











An Act respecting Trinity Church, Toronto.

WHEREAS, the Reverend Alexander Sanson, John Gillespie and Thomas R. Whiteside, the Rector and Church Wardens of Trinity Church, in the City of Toronto, have by their petition represented that a certain conveyance bearing date the fifth day of June, 1851, made between the Trustees of the Toronto Hospital of the one part and the Reverend Richard Mitchele, then Incumbent of Trinity Church, of the other part, after reciting that the said trustees had contracted to sell and convey the lands hereinafter described to the Reverend Richard Mitchele, as such Incumbent, at or for the sum of six hundred and fifty pounds. and that it had been agreed the payment of the interest accruing upon the said sum should be secured by way of rent charge upon the said land to be reserved to the said trustees until the payment of the said principal sum, all and singular those certain pieces or parcels of land situate in the City of Toronto, being part of the Government or Park Reservation theretofore granted as an endowment of the Toronto Hospital, and known on the plan or map of the same prepared for the said trustees of the Toronto Hospital by Donald McDonald, Esquire, a Deputy Provincial Surveyor, as lots numbers three, four, five, six, seven and eight, on the south side of King Street, between Parliament and Mill (now Trinity) Street, lots numbers nine, ten, eleven and twelve on the west side of Mill (now Trinity) Street, and lots numbers one, two and thirteen on the east side of Parliament Street between King Street and Palace (now Front) Street, and better known and described as follows; that is to say:—Commencing on the westerly limit of Mill (now Trinity) Street, at the north-east angle of the said lot number eight; then south fifty-three degrees west along the southern limit of King Street to the eastern limit of Parliament Street and the north-west angle of said lot number three; then south sixteen degrees east four chains and twenty links more or less to within one chain and thirty-seven links of the northern limit of Palace (now Front) Street; then north seventy-four degrees east parallel to Palace (now Front) Street to the said westerly limit of Mill (now Trinity) Street; then north thirty-nine degrees west along the westerly limit of Mill (now Trinity) Street to the place of beginning, were conveyed to the Reverend Richard Mitchele, saving and reserving to the said trustees a perpetual annuity rent charge or yearly sum of thirty-nine pounds, chargeable upon the said lands, the same to be paid half-yearly, on the seventeenth days of April and October in each and every year; and that the said the Reverend Richard Mitchele having ceased to be incumbent of

the said Church, the Reverend Alexander Sanson was, on or  
 about the tenth day of July, 1852, appointed incumbent  
 thereof in his stead; and that doubts having arisen as to  
 whether the whole of the said lands became vested in the said  
 the Reverend Richard Mitchele and his successors, for the  
 time being incumbents of the said Church, and it being apprehended  
 that the ground on which the Church alone stood  
 became vested in the said the Reverend Richard Mitchele, his  
 heirs and successors, incumbents of the said Church, and that  
 as to the residue of the said lands, it being doubted whether  
 such deed conferred on the said the Reverend Richard Mitchele  
 a greater or larger estate than a life estate, at a meeting of the  
 vestry of the said Church, held on the 23rd day of April, 1855,  
 it was resolved that in order to obviate such doubts, and for  
 the purpose of carrying into effect the original intention with  
 respect to the sale and purchase of the said lands, the said the  
 Reverend Richard Mitchele and the trustees of the Toronto  
 Hospital should be requested to join in a conveyance for the pur-  
 pose of conveying the said lands to trustees; but the said the  
 Reverend Richard Mitchele having declined to do so, a suit was  
 instituted in the Court of Chancery for Upper Canada, wherein  
 the said the Reverend Alexander Sanson, the Right Reverend  
 John Strachan, William Gooderham and Enoch Turner were  
 plaintiffs, and the said the Reverend Richard Mitchele was  
 defendant; and by the judgment of the said Court it was  
 amongst other things declared that under and by virtue of the  
 said conveyance the fee simple and inheritance of the said  
 lands passed to and became vested in the said the Reverend  
 Richard Mitchele, as the then incumbent of Trinity Church,  
 and that he having ceased to be incumbent of the said Church  
 none of the said lands or any interest therein were vested in  
 him, but all such estate and interest in the same passed to and  
 were then vested in the said the Reverend Alexander Sanson, as  
 the then present incumbent of the said Church; and that in fact  
 the purchase of the said lands was made by and at the instance  
 of the Right Reverend John Strachan, Wilham Gooderham,  
 Joshua George Beard, Enoch Turner and Henry Abraham  
 Joseph and the other inhabitants of the immediate neighbour-  
 hood of the said lands, with the intention and for the purpose  
 of causing to be erected thereon as well a church or building  
 suitable for the performance of Divine service, according to the  
 rites and ceremonies of the Church of England, together with  
 a parsonage for the incumbent, as also a school-house for the  
 education of children in the tenets of the said Church, and  
 also for the purpose of creating a fund for the payment and  
 discharge of the costs and charges to be incurred in the erection  
 of such edifices and buildings, as for the support of the incum-  
 bent of the said Church for the time being, and generally for  
 the provision of all things necessary for the proper maintenance  
 and support of the said Church; and at the time of such pur-  
 chase it was intended that the said lands should have been  
 conveyed to the said Right Reverend John Strachan, William  
 Gooderham, Joshua George Beard, Enoch Turner and Henry  
 Abraham Joseph, in trust to raise by mortgage thereof to any  
 parties willing to advance the same such sums of money as  
 would at any time or times become necessary for the purpose  
 of erecting, repairing, enlarging or rebuilding the said church,  
 parsonage, school-house and other erections and building, if  
 any, to be thenceforth erected and built upon the said lands,

and of any debt to be incurred in respect of such erections or otherwise in relation thereto, and to the support of the said Church and premises as should from time to time be determined by the vestry of the said Church at any meetings to be properly called and held with reference to such matters; and that subsequent to the treaty for the sale and purchase of the said lands, and previous to the execution of the said deed, the Church known as Trinity Church, together with a school-house, was erected and built on part thereof, and subsequent to the execution of the said deed a parsonage was also erected thereon, in the erection of which buildings a debt was incurred, whereof the sum of one thousand pounds and upward remained due on the twenty-ninth day of December, 1858; and that by a certain other conveyance, bearing date the twenty-ninth day of December, 1858, made between the Reverend Alexander Sanson of the first part, the trustees of the Toronto Hospital of the second part, and the Right Reverend John Strachan, William Gooderham, Joshua George Beard, Enoch Turner and Henry Abraham Joseph of the third part, which conveyance recited the facts above set forth, and that the said the Reverend Alexander Sanson, as such incumbent, having been called upon to join therein for the purpose of conveying the said lands upon the trusts aforesaid had consented to do so, all the said lands were conveyed to the Right Reverend John Strachan, William Gooderham, Joshua George Beard, Enoch Turner and Henry Abraham Joseph as trustees, saving and reserving to the trustees of the Toronto Hospital the said perpetual annuity, rent charge or yearly sum of thirty-nine pounds by the said conveyance of the fifth day of June, 1851, reserved to be charged and chargeable upon the the said lands, and to be payable and paid half-yearly on the seventeenth days of April and October in each and every subsequent year; and it was agreed by and between the parties thereto that the said trustees, the survivors and survivor of them, and the heirs and assigns of such survivor, should, subject to the said annuity, yearly sum or rent charge, stand seised and possessed of the said lands upon trust out of the rents and profits of the said lands, or by sale or mortgage thereof, or of a competent part thereof, to raise such sums of money as should be necessary to pay the said debt of one thousand pounds, and such sums of money as might become necessary for repairing, enlarging or rebuilding the said church, parsonage and school-house, and for erecting and building any other buildings that might be required to be erected upon the said lands, and all sums of money that should be required for payment of the said sum of six hundred and fifty pounds, the purchase money of the said lands, and to pay and discharge the said annuity, rent charge or yearly sum, and all sums of money to become due in respect of premiums of insurance on the said buildings, and for the payment of the salary of the incumbent for the time being and of all other persons employed in and about the said church and school-house, and generally in the provision of all things necessary for the support and maintenance of the said church and school-house, or to the due performance of Divine service in the said church and the education of children, pupils in the said school, and to apply the residue (if any) for the use, benefit, increase and improvement of the said church and school-house and the maintenance and efficiency of the same, as the vestry of the

said church should resolve or appoint ; and that the said conveyance contained certain covenants with the said trustees of the Toronto Hospital relating to the said annuity or rent charge and certain provisos and conditions governing the remedies for recovering the same, as by reference to the said conveyance more fully appears ; and that the said conveyance contained the proviso that when and so often as the said trustees should be reduced to three in number it should be lawful for the said vestry to nominate and appoint a sufficient number of persons being communicants to be trustees in the places of the trustees who ceased to be trustees, so that in number the said trustees should from time to time be completed, and that when and so often as any new trustee should be appointed as aforesaid, the said lands which were then vested in the trustees so ceasing to be trustees as aforesaid, should thereupon be assigned and transferred so that the same might be jointly with the other trustees vested in the continuing trustees of the said lands to the same uses and upon the same trusts as were in the said deed declared ; and that doubts have been raised whether the Reverend Alexander Sanson had power to make the said conveyance of the 29th day of December, 1858 ; and that all the said trustees named in the said conveyance of the 29th day of December, 1858, are now dead, the said William Gooderham being the last survivor. And that the provisions of the said conveyance of the 29th of December, 1858, as to nominating and appointing persons to be in the stead and place of the said trustees who have died, have not been observed, and the said lands which were vested in the said trustees who have died, have never been conveyed, assigned or transferred to new trustees under the provisions of the said conveyance ; and that it has become necessary to raise money upon the security of the said lands for the purpose of paying off the said purchase money and extending and improving the Church buildings erected upon the said lands, but owing to the present uncertain nature of the title to the said lands and doubts regarding the said title it has become impossible to do so ; and that it is desirable that the said lands should be vested in the incumbent and churchwardens of the said Church as trustees with the rights and powers of trustees under *The Act respecting the Property of Religious Institutions* as extended and applied to the Church of England in this Province ; and that the said John Gillespie and Thomas R. Whiteside, the present churchwardens of the said Church, have been, by resolution of the vestry of the said Church, authorized to issue forthwith debentures to provide for payment of the said purchase money and for raising money to meet the engagements of the said vestry in the erection, improvement and completion of the said Church and Church buildings upon the said lands, or to obtain a loan upon mortgage of the said lands for making such payment and raising money to meet such engagements ; and that certain leases of parts of the said lands have been granted by the said trustees, or by persons acting or assuming to act as trustees, under the said conveyance of the 29th of December, 1858 ; and whereas it is expedient to grant the prayer of the said petition :

Rev. Stat.  
c. 237.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said lands are hereby vested in the said the Reverend Alexander Sanson, John Gillespie and Thomas R. Whiteside, rector and churchwardens of the said Church and their successors in perpetual succession, for the benefit of the congregation of Trinity Church for all the estate and title respectively of the persons and corporations by whom the same have been heretofore or are now held, subject to the payment to the trustees of the Toronto General Hospital of the annuity or annual rent charge reserved by the conveyance of the 29th of December, 1858, in the preamble of this Act set forth, and to all the covenants, provisos and conditions relating to the said rent charge and to the payment of the purchase money of the said lands in the said deed contained, and subject also to the leases set forth in the schedule hereto.
2. Subject to the provisions of *The Act Respecting the Property of Religious Institutions*, as extended to the Church of England in this Province, the incumbent of the said Church and the churchwardens thereof for the time being, may from time to time sell, mortgage, lease or otherwise encumber the said lands or any part thereof.
3. It shall and may be lawful for the said churchwardens of the said Church, and their successors as such, with the consent of the vestry of the said Church duly given at a meeting called for that purpose, to execute and issue debentures in currency or sterling, not exceeding at any one time in the whole the sum of            thousand dollars, in such sums not less than one hundred dollars each, at such rate of interest and redeemable at such times and places as they may determine, and from time to time to renew the same or issue new debentures in their place or stead.
4. The said Churchwardens shall and may from time to time, with the consent of the holders, call in any outstanding debentures and liabilities and discharge the same with funds raised by the issue of debentures, authorised to be issued under this Act, or may substitute therefor other debentures authorised as aforesaid under this Act, as may be agreed upon between the said churchwardens and the holders of such outstanding debentures and liabilities or other the creditors of the said vestry and Church.
5. The funds to be raised by the issue of debentures authorized as aforesaid, shall be applied to defray the costs of completing and improving the said Church and to the redemption and payment of outstanding debentures and other liabilities, and to carry out the instructions of the said vestry.
6. The debentures so issued as aforesaid shall, without registration or formal conveyance, be taken and considered to be charges upon the said lands and other the property of the said vestry; and the holder of any of the said debentures shall be deemed to be a mortgagee and encumbrancer *pro rata* with the other holders thereof upon the said church property.
7. The interest of the said debentures shall be the first charge upon the whole revenue of the said church and the vestry thereof, ordinary and extraordinary; and it shall be the duty
- Lands vested  
in Rector and  
Church-  
wardens.
- Power to sell,  
lease, etc.  
Rev. Stat.  
c. 237.
- Issue of  
debentures  
authorized.
- Power to call  
in outstanding  
debentures  
and liabilities.
- Application of  
proceeds of  
debentures.
- Debentures to  
be charges on  
lands.
- Interest of  
debentures to  
be a first  
charge on  
revenue of  
Church.

of the churchwardens in each year out of the said revenues to pay the whole interest falling due in each year.

Persons advancing money not bound to see to application thereof.

8. No person advancing money on or for the purchase of the debentures authorized by this Act to be issued shall be in any way bound to see to the application of the money so advanced. 5

Churchwardens to be a body corporate.

9. The said churchwardens and their successors as such shall be, and they are hereby constituted, a body politic and corporate by the name of "The Churchwardens of Trinity Church, Toronto," and shall have all the rights and powers 10

Rev. Stat. c. 1.

vested in corporations generally by *The Interpretation Act*, but neither the said churchwardens nor their successors shall be personally liable upon or in respect of the said debentures.

Leases set forth in schedule confirmed.

10. The leases of various parts of the said property in the schedule hereto are hereby confirmed and the terms thereby granted with the rights of renewal or payment for buildings and improvements therein agreed upon, are hereby declared to be valid and binding upon the successors of the said Alexander Sanson or incumbents as aforesaid, and upon all other persons concerned or interested therein. 20

## SCHEDULE.

### (Section 10.)

(1) Lease dated 21st December, 1875, Henry Abraham Joseph and others to Edward Bescoby, Lot No. 2, for twenty-one years from 1st April, 1874, with clauses respecting payment for improvements or renewal. 25

(2) Lease dated 21st December, 1875, Henry Abraham Joseph and others to Frances Beale, Lot No. 3, for twenty-one years from 1st April, 1874, with clauses respecting payment for improvements or renewal. 30

(3) Lease dated 28th June, 1876, Henry Abraham Joseph and others to Joseph R. Lee, Lot No. 4, on the south side of King Street, for twenty-seven years and six months from 1st May, 1876, with clauses respecting payment for improvements or renewal. 35

(4) Lease dated 21st June, 1883, Alexander Sanson and others to the Copland Brewing Company of Toronto, Lot No. 8, for twenty-one years from 1st April, 1883, with covenant for renewal.

(5) Lease dated 30th April, 1879, Henry Abraham Joseph and others to William Copland, Lot No. 9, for twenty-four years from 1st April, 1879, with covenant for renewal. 40

(6) Lease dated 14th January, 1881, Henry Abraham Joseph and others to William Copland, Lot No. 10, for fourteen years from 1st April, 1881, with clauses respecting payment for improvements or renewal. 45

(7) Lease dated 1st April, 1880, Henry Abraham Joseph and others to Ellen Robinson, the northerly one-third of Lot 11,



for twenty-one years from 1st November, 1879, with clauses respecting payment for improvements or renewal.

(8) Lease dated 1st April, 1880, Henry Abraham Joseph and others to William Farley and William Lamb, the central one-  
5 third of Lot 11, for twenty-one years from 1st November, 1879, with clauses respecting payment for improvements or renewal.

(9) Lease dated 1st April, 1880, Henry Abraham Joseph and others to Margaret Stansall, the southerly one-third of Lot 11,  
10 for twenty-one years from 1st November, 1879, with clauses respecting payment for improvements or renewal.

(10) Lease dated 1st April, 1880, Henry Abraham Joseph and others to George Gooderham, Lot No. 12, for twenty-one years from 1st November, 1879, with clauses respecting payment for improvements or renewal.

No. 1.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act respecting Trinity Church, Toronto.

First Reading,

1888.

(Private Bill)

MR. LEYS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act respecting Trinity Church, Toronto.

**W**HEREAS the Reverend Alexander Sanson, John Gillespie Preamble. and Thomes R. Whiteside, the Rector and Church-Wardens of Trinity Church, in the city of Toronto, have by their petition represented that by a certain conveyance bearing date the fifth day of June, 1851, made between the trustees of the Toronto Hospital of the one part and the Reverend Richard Mitchele, then incumbent of Trinity Church, of the other part, after reciting that the said trustees had contracted to sell and convey the lands hereinafter described to the Reverend Richard Mitchele, as such incumbent, at or for the sum of six hundred and fifty pounds, and that it had been agreed the payment of the interest accruing upon the said sum should be secured by way of rent charge upon the said land to be reserved to the said trustees until the payment of the said principal sum, all and singular those certain pieces or parcels of land situate in the city of Toronto, being part of the Government or Park Reservation theretofore granted as an endowment of the Toronto Hospital, and known on the plan or map of the same prepared for the said trustees of the Toronto Hospital by Donald McDonald, Esquire, a Deputy Provincial Surveyor, as lots numbers three, four, five, six, seven and eight, on the south side of King Street, between Parliament and Mill (now Trinity) Street, lots numbers nine, ten, eleven and twelve on the west side of Mill (now Trinity) Street, and lots numbers one, two and thirteen on the east side of Parliament Street between King Street and Palace (now Front) Street, and better known and described as follows; that is to say:—Commencing on the westerly limit of Mill (now Trinity) Street, at the north-east angle of the said lot number eight; then south fifty-three degrees west along the southern limit of King Street to the eastern limit of Parliament Street and the north-west angle of said lot number three; then south sixteen degrees east four chains and twenty links more or less to within one chain and thirty-seven links of the northern limit of Palace (now Front) Street; then north seventy-four degrees east parallel to Palace (now Front) Street to the said westerly limit of Mill (now Trinity) Street; then north thirty-nine degrees west along the westerly limit of Mill (now Trinity) Street to the place of beginning, were conveyed to the Reverend Richard Mitchele, saving and reserving to the said trustees a perpetual annuity rent charge or yearly sum of thirty-nine pounds, chargeable upon the said lands, the same to be paid half-yearly, on the seventeenth days of April and October in each and every year; and that the said the Reverend Richard Mitchele having ceased to be incumbent of

the said Church, the Reverend Alexander Sanson was, on or about the tenth day of July, 1852, appointed incumbent thereof in his stead ; and that doubts having arisen as to whether the whole of the said lands became vested in the said the Reverend Richard Mitchele and his successors, for the time being incumbents of the said Church, and it being apprehended that the ground on which the Church alone stood became vested in the said the Reverend Richard Mitchele, his heirs and successors, incumbents of the said Church, and that as to the residue of the said lands, it being doubted whether such deed conferred on the said the Reverend Richard Mitchele a greater or larger estate than a life estate, at a meeting of the vestry of the said Church, held on the twenty-third day of April, 1855, it was resolved that in order to obviate such doubts, and for the purpose of carrying into effect the original intention with respect to the sale and purchase of the said lands, the said the Reverend Richard Mitchele and the trustees of the Toronto Hospital should be requested to join in a conveyance for the purpose of conveying the said lands to trustees ; but the said the Reverend Richard Mitchele having declined to do so, a suit was instituted in the Court of Chancery for Upper Canada, wherein the said the Reverend Alexander Sanson, the Right Reverend John Strachan, William Gooderham and Enoch Turner were plaintiffs, and the said the Reverend Richard Mitchele was defendant, and by the judgment of the said Court it was amongst other things declared that under and by virtue of the said conveyance the fee simple and inheritance of the said lands passed to and became vested in the said the Reverend Richard Mitchele, as the then incumbent of Trinity Church, and that he having ceased to be incumbent of the said Church none of the said lands or any interest therein were vested in him, but all such estate and interest in the same passed to and were then vested in the said the Reverend Alexander Sanson, as the then present incumbent of the said Church, and that in fact the purchase of the said lands was made by and at the instance of the Right Reverend John Strachan, William Gooderham, Joshua George Beard, Enoch Turner and Henry Abraham Joseph and the other inhabitants of the immediate neighbourhood of the said lands, with the intention and for the purpose of causing to be erected thereon as well a church or building suitable for the performance of Divine service, according to the rites and ceremonies of the Church of England, together with a parsonage for the incumbent, as also a school-house for the education of children in the tenets of the said Church, and also for the purpose of creating a fund for the payment and discharge of the costs and charges to be incurred in the erection of such edifices and buildings, as for the support of the incumbent of the said Church for the time being, and generally for the provision of all things necessary for the proper maintenance and support of the said Church ; and at the time of such purchase it was intended that the said lands should have been conveyed to the said Right Reverend John Strachan, William Gooderham, Joshua George Beard, Enoch Turner and Henry Abraham Joseph, in trust to raise by mortgage thereof to any parties willing to advance the same such sums of money as would at any time or times become necessary for the purpose of erecting, repairing, enlarging or rebuilding the said church, parsonage, school-house and other erections and building, if any, to be thenceforth erected and built upon the said lands,

and of any debt to be incurred in respect of such erections or otherwise in relation thereto, and to the support of the said Church and premises as should from time to time be determined by the vestry of the said Church at any meetings to be properly called and held with reference to such matters; and that subsequent to the treaty for the sale and purchase of the said lands, and previous to the execution of the said deed, the Church known as Trinity Church, together with a school-house, was erected and built on part thereof, and subsequent to the execution of the said deed a parsonage was also erected thereon, in the erection of which buildings a debt was incurred, whereof the sum of one thousand pounds and upward remained due on the twenty-ninth day of December, 1858; and that by a certain other conveyance, bearing date the twenty-ninth day of December, 1858, made between the Reverend Alexander Sanson of the first part, the trustees of the Toronto Hospital of the second part, and the Right Reverend John Strachan, William Gooderham, Joshua George Beard, Enoch Turner and Henry Abraham Joseph of the third part, which conveyance recited the facts above set forth, and that the said the Reverend Alexander Sanson, as such incumbent, having been called upon to join therein for the purpose of conveying the said lands upon the trusts aforesaid had consented to do so, all the said lands were conveyed to the Right Reverend John Strachan, William Gooderham, Joshua George Beard, Enoch Turner and Henry Abraham Joseph as trustees, saving and reserving to the trustees of the Toronto Hospital the said perpetual annuity, rent charge or yearly sum of thirty-nine pounds, by the said conveyance of the fifth day of June, 1851, reserved to be charged and chargeable upon the said lands, and to be payable and paid half-yearly on the seventeenth days of April and October in each and every subsequent year; and it was agreed by and between the parties thereto that the said trustees, the survivors and survivor of them, and the heirs and assigns of such survivor, should, subject to the said annuity, yearly sum or rent charge, stand seised and possessed of the said lands upon trust out of the rents and profits of the said lands, or by sale or mortgage thereof, or of a competent part thereof, to raise such sums of money as should be necessary to pay the said debt of one thousand pounds, and such sums of money as might become necessary for repairing, enlarging or rebuilding the said church, parsonage and school-house, and for erecting and building any other buildings that might be required to be erected upon the said lands, and all sums of money that should be required for payment of the said sum of six hundred and fifty pounds, the purchase money of the said lands, and to pay and discharge the said annuity, rent charge or yearly sum, and all sums of money to become due in respect of premiums of insurance on the said buildings, and for the payment of the salary of the incumbent for the time being and of all other persons employed in and about the said church and school-house, and generally in the provision of all things necessary for the support and maintenance of the said church and school-house, or to the due performance of Divine service in the said church and the education of children, pupils in the said school, and to apply the residue (if any) for the use, benefit, increase and improvement of the said church and school-house and the maintenance and efficiency of the same, as the vestry of the

said church should resolve or appoint ; and that the said conveyance contained certain covenants with the said trustees of the Toronto Hospital relating to the said annuity or rent charge and certain provisos and conditions governing the remedies for recovering the same, as by reference to the said conveyance more fully appears ; and that the said conveyance contained the proviso that when and so often as the said trustees should be reduced to three in number it should be lawful for the said vestry to nominate and appoint a sufficient number of persons being communicants to be trustees in the places of the trustees who ceased to be trustees, so that in number the said trustees should from time to time be completed, and that when and so often as any new trustee should be appointed as aforesaid, the said lands which were then vested in the trustees so ceasing to be trustees as aforesaid, should thereupon be assigned and transferred so that the same might be jointly with the other trustees vested in the continuing trustees of the said lands to the same uses and upon the same trusts as were in the said deed declared ; and that doubts have been raised whether the Reverend Alexander Sanson had power to make the said conveyance of the twenty-ninth day of December, 1858 ; and that all the said trustees named in the said conveyance of the twenty-ninth day of December, 1858, are now dead, the said William Gooderham being the last survivor ; and that the provisions of the said conveyance of the twenty-ninth of December, 1858, as to nominating and appointing persons to be in the stead and place of the said trustees who have died, have not been observed, and the said lands which were vested in the said trustees who have died, have never been conveyed, assigned or transferred to new trustees under the provisions of the said conveyance ; and that it has become necessary to raise money upon the security of the said lands for the purpose of paying off the said purchase money and extending and improving the church buildings erected upon the said lands, but owing to the present uncertain nature of the title to the said lands and doubts regarding the said title it has become impossible to do so ; and that it is desirable that the said lands should be vested in the incumbent and churchwardens of the said Church as trustees with the rights and powers of trustees under *The Act respecting the Property of Religious Institutions* as extended and applied to the Church of England in this Province ; and that the said John Gillespie and Thomas R. Whiteside, the present churchwardens of the said Church, have been, by resolution of the vestry of the said Church, authorized to issue forthwith debentures to provide for payment of the said purchase money and for raising money to meet the engagements of the said vestry in the erection, improvement and completion of the said Church and church buildings upon the said lands, or to obtain a loan upon mortgage of the said lands for making such payment and raising money to meet such engagements ; and that certain leases of parts of the said lands have been granted by the said trustees, or by persons acting or assuming to act as trustees, under the said conveyance of the twenty-ninth of December, 1858 ; and whereas it is expedient to grant the prayer of the said petition ;

Rev. Stat.  
c. 237.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said lands are hereby vested in the said the Reverend Alexander Sanson, John Gillespie and Thomas R. Whiteside, rector and churchwardens of the said Church and their successors in perpetual succession, for the benefit of the congregation of Trinity Church for all the estate and title respectively of the persons and corporations by whom the same have been heretofore or are now held, subject to the payment to the trustees of the Toronto General Hospital of the annuity or annual rent charge reserved by the conveyance of the twenty-ninth of December, 1858, in the preamble of this Act set forth, and to all the covenants, provisos and conditions relating to the said rent charge and to the payment of the purchase money of the said lands in the said deed contained, and subject also to the leases set forth in the schedule hereto.

Lands vested in Rector and Churchwardens.

2. Subject to the provisions of *The Act Respecting the Property of Religious Institutions*, as extended to the Church of England in this Province, the incumbent of the said Church and the churchwardens thereof for the time being, may from time to time sell, mortgage, lease or otherwise encumber the said lands or any part thereof.

Power to sell, lease, etc. Rev. Stat. c. 237.

3. It shall and may be lawful for the said churchwardens of the said Church, and their successors as such, with the consent of the vestry of the said Church duly given at a meeting called for that purpose, to execute and issue debentures in currency or sterling, not exceeding at any one time in the whole the sum of \$25,000, in such sums not less than \$100 each, at such rate of interest and redeemable at such times and places as they may determine, and from time to time to renew the same or issue new debentures in their place or stead.

Issue of debentures authorized.

4. The said churchwardens shall and may from time to time, with the consent of the holders, call in any outstanding debentures and liabilities and discharge the same, with funds raised by the issue of debentures authorised to be issued under this Act, or may substitute therefor other debentures authorised as aforesaid under this Act, as may be agreed upon between the said churchwardens and the holders of such outstanding debentures and liabilities or other the creditors of the said vestry and Church.

Power to call in outstanding debentures and liabilities.

5. The funds to be raised by the issue of debentures authorized as aforesaid, shall be applied to defray the costs of completing and improving the said Church and to the redemption and payment of outstanding debentures and other liabilities, and to carry out the instructions of the said vestry.

Application of proceeds of debentures.

6. The debentures so issued as aforesaid shall, without registration or formal conveyance, be taken and considered to be charges upon the said lands and other the property of the said vestry; and the holder of any of the said debentures shall be deemed to be a mortgagee and encumbrancer *pro rata* with the other holders thereof upon the said church property.

Debentures to be charges on lands.

7. The interest of the said debentures shall be the first charge upon the whole revenue of the said church and the vestry thereof, ordinary and extraordinary; and it shall be the duty

Interest of debentures to be a first charge on revenue of Church.

of the churchwardens in each year out of the said revenues to pay the whole interest falling due in each year.

Persons advancing money not bound to see to application thereof. **8.** No person advancing money on or for the purchase of the debentures authorized by this Act to be issued shall be in any way bound to see to the application of the money so advanced.

Churchwardens to be a body corporate. **9.** The said churchwardens and their successors as such shall be, and they are hereby constituted, a body politic and corporate by the name of "The Churchwardens of Trinity Church, Toronto," and shall have all the rights and powers vested in corporations generally by *The Interpretation Act*, but neither the said churchwardens nor their successors shall be personally liable upon or in respect of the said debentures

Rev. Stat. c. 1.

Leases set forth in schedule confirmed. **10.** The leases of various parts of the said property in the schedule hereto are hereby confirmed and the terms thereby granted with the rights of renewal or payment for buildings and improvements therein agreed upon, are hereby declared to be valid and binding upon the successors of the said Alexander Sanson as incumbents as aforesaid, and upon all other persons concerned or interested therein.

## SCHEDULE.

### (Section 10.)

1. Lease dated 21st December, 1875, Henry Abraham Joseph and others to Edward Bescoby, Lot No. 2, for twenty-one years from 1st April, 1874, with clauses respecting payment for improvements or renewal.

2. Lease dated 21st December, 1875, Henry Abraham Joseph and others to Frances Beale, Lot No. 3, for twenty-one years from 1st April, 1874, with clauses respecting payment for improvements or renewal.

3. Lease dated 28th June, 1876, Henry Abraham Joseph and others to Joseph R. Lee, Lot No. 4, on the south side of King Street, for twenty-seven years and six months from 1st May, 1876, with clauses respecting payment for improvements or renewal.

4. Lease dated 21st June, 1883, Alexander Sanson and others to the Copland Brewing Company of Toronto, Lot No. 8, for twenty-one years from 1st April, 1883, with covenant for renewal.

5. Lease dated 30th April, 1879, Henry Abraham Joseph and others to William Copland, Lot No. 9, for twenty-four years from 1st April, 1879, with covenant for renewal.

6. Lease dated 14th January, 1881, Henry Abraham Joseph and others to William Copland, Lot No. 10, for fourteen years from 1st April, 1881, with clauses respecting payment for improvements or renewal.

7. Lease dated 1st April, 1880, Henry Abraham Joseph and others to Ellen Robinson, the northerly one-third of Lot 11,



for twenty-one years from 1st November, 1879, with clauses respecting payment for improvements or renewal.

8. Lease dated 1st April, 1880, Henry Abraham Joseph and others to William Farley and William Lamb, the central one-third of Lot 11, for twenty-one years from 1st November, 1879, with clauses respecting payment for improvements or renewal.

9. Lease dated 1st April, 1880, Henry Abraham Joseph and others to Margaret Stansall, the southerly one-third of Lot 11, for twenty-one years from 1st November, 1879, with clauses respecting payment for improvements or renewal.

10. Lease dated 1st April, 1880, Henry Abraham Joseph and others to George Gooderham, Lot No. 12, for twenty-one years from 1st November, 1879, with clauses respecting payment for improvements or renewal.

No. 1.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act respecting Trinity Church, Toronto.

First Reading,	7th February,	1888.
Second	"	17th 1888.
Third	"	23rd 1888.

MR. LEYS.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FROST ST. W.

An Act to authorize the town of Almonte to issue certain debentures.

WHEREAS, the corporation of the town of Almonte, in the Preamble.  
 county of Lanark, have by their petition represented  
 that they have a debt of \$48,000 (exclusive of interest and  
 debentures for public school purposes), nearly all incurred for  
 5 permanent improvements within the said town, of which the  
 sum of \$29,500 is secured by debentures of the said corpora-  
 tion, due and payable in the years 1888 to 1903 inclusive,  
 with interest half yearly at five per centum per annum, and  
 the balance of the said debt of \$18,500 is a floating debt or  
 10 liability; and whereas, the said corporation have further  
 represented that a by-law for issuing debentures for the sum of  
 \$18,500 has been passed to meet the said floating indebtedness,  
 but that the debentures have not been issued under the said  
 by-law; and whereas, the said corporation have further  
 15 represented that none of the said outstanding debenture debt  
 or interest is in arrear; and whereas, the said corporation have  
 further represented that the payments to be made on account  
 of the said debenture debt outstanding, and of the debentures  
 authorized to be issued to pay the \$18,500 indebtedness during  
 20 the ensuing years, would be oppressive to the ratepayers, and  
 that it is desirable that the said corporation may be authorized  
 to issue debentures to the extent of \$48,000 in the manner and  
 according to the yearly amounts set forth in schedule A of  
 this Act, for the purpose of raising funds to pay the said  
 25 liability of \$18,500, and also to pay or replace and extend  
 the time for payment of the said debentures, maturing in the  
 years aforesaid, and without providing a sinking fund or  
 making other provision for the payment of the principal than is  
 hereinafter provided, the interest to be levied by an annual  
 30 special rate over and above all other rates on the rateable  
 property of the said municipality, and the principal of the said  
 consolidated debt to be similarly levied in the years in which  
 said debentures therefor shall fall due respectively, as set  
 forth in Schedule A to this Act; and whereas, it is expedient  
 35 to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

1. The said debts of the said town of Almonte are hereby Debts consoli-  
dated at the  
sum of \$48,000.  
 40 consolidated at the sum of \$48,000.

2. The said corporation may issue debentures under the Issue of de-  
bentures  
authorized.  
 corporate seal signed by the mayor and countersigned by the  
 treasurer of the said town, for the time being, in such sums

not exceeding \$48,000 in the whole, as the said corporation may by by-law from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be made payable at such place as the corporation may deem expedient.

5

Power to borrow on debentures.

3. The corporation of the said town may raise by way of loan on the credit of the said debentures a sum not exceeding in the whole the sum of \$48,000, or may sell or dispose of the said debentures from time to time as they may deem expedient for the purposes of this Act.

10

Payment of debentures and interest.

4. The said debentures shall be for a sum of not less than \$100 each, and shall be payable in the manner to the amounts and at the times respectively set forth in the third and fourth columns of the said Schedule A, and not otherwise. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable half-yearly on the first days of the months of June and December in each and every year at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding six per centum per annum.

20

Special rate for payment of debentures.

5. It shall be lawful for the said corporation to levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

25

Application of proceeds of debentures.

6. The said debentures, and all moneys to arise therefrom, shall be applied by the said corporation,

(a) In payment of the said liability of \$18,500; and

30

(b) In payment and redemption of outstanding debentures of said corporation to the amount of \$29,500, and for no other purpose whatsoever.

Arrangements with existing debenture-holders authorized.

7. The said corporation may arrange with the holders, or any of them, for the purchase of the outstanding debentures, or any of them, or for the substitution of the debentures authorized to be issued by this Act for the outstanding debentures, or any of them, and the said corporation may issue the whole or a sufficient portion of the said debentures authorized to be issued under this Act, to purchase, or substitute for, as the case may be, any such debentures that may be purchased or arranged for.

40

payment of floating debt and outstanding debentures.

8. The treasurer of the said corporation, on receiving instructions from the said corporation so to do, shall pay off said liability of \$18,500, and also pay off any outstanding debentures and discharge the same, with the funds from time to time raised under this Act, or he may substitute, with the consent of the holders thereof, for any outstanding debentures, according to the time and for the yearly amounts only specified in

45

said Schedule A, the debentures, or any of them, authorized to be issued by this Act, and upon such terms as may be agreed upon between the said corporation and the holders of the said outstanding debentures.

5 **9.** The debentures to be issued under this Act may be in the form contained in the schedule B to this Act. Form of debentures.

**10.** The by-law, or the by-laws, for the issuing of the debentures authorized by this Act may be in the form of schedule C to this Act. Form of by-law.

10 **11.** The corporation, after the payment of the said floating indebtedness, may repeal any by-law of the said corporation which authorized the issuing of debentures and the levying of rates to meet the payment of the same. Repeal of by-law.

**12.** No irregularity in the form of the said debentures, or any of them, or of any by-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any, or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law, or issue of debentures, or as to the application of the proceeds thereof. Irregularities not to render debentures invalid.

**13.** It shall not be necessary to obtain the assent of the electors or ratepayers of the said town of Almonte to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act* or any Act amending the same. Assent of electors not required.

**14.** Notwithstanding anything in this Act contained, all outstanding debentures which are public school debentures, or which have been issued for public school purposes, shall be provided for, retired and paid in all respects as if this Act had not been passed. Proviso as to outstanding school debentures.

**15.** Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Almonte from any indebtedness or liability which may not be included in said debt. Liability of corporation not discharged.

**16.** This Act may be cited as *The Town of Almonte Debenture Act, 1888.* Mode of citation.

## SCHEDULE A.

Amount of debentures authorized to be issued under this Act, with year of issue and date of payment:—

1ST COLUMN. Year.	2ND COLUMN. Amount.	TOTAL ISSUE.	
		REPAYABLE 1ST. DECEMBER.	
		3rd Column. Amount.	4th Column. Year.
1888	\$18,500 Float'g liability	300	1888
		400	1889
		400	1890
		500	1891
		500	1892
		500	1893
		500	1894
		600	1895
		600	1896
		600	1897
		600	1898
		700	1899
		700	1900
		700	1901
		800	1902
		800	1903
		900	1904
		900	1905
		1000	1906
		1000	1907
1100	1908		
1100	1909		
1200	1910		
1200	1911		
1888	1300	900	1912
		400	1913
1889	1300	900	
		500	
1890	1400	500	1915
		900	
1891	1500	600	1916
		900	
1892	1500	700	1917
		800	
1893	1600	800	1918
		800	
1894	1700	900	1919
		800	
1895	1800	1000	1920
		800	

Amount of Debentures authorized to be issued.—*Continued.*

1ST COLUMN. Year.	2ND COLUMN. Amount.	TOTAL ISSUE.	
		REPAYABLE 1ST DECEMBER.	
		3rd Column. Amount.	4th Column. Year.
1896	1900	{ 1100	1920
		{ 800	
1897	2000	{ 1100	1921
		{ 900	
1898	2000	{ 1200	1922
		{ 800	
1899	2100	{ 1400	1923
		{ 700	
1900	2200	{ 1600	1924
		{ 600	
1901	2300	{ 1900	1925
		{ 400	
1902	2400	{ 2200	1926
		{ 200	
1903	2500	{ 2500	1927

#### SCHEDULE B.

Province of Ontario, town of Almonte, debenture.

Under and by virtue of *The Town of Almonte Debenture Act, 1888*, the corporation of the town of Almonte, in the county of Lanark, promise to pay the bearer at

the sum of \_\_\_\_\_ on the  
day of \_\_\_\_\_ one thousand  
hundred and \_\_\_\_\_, and the half-yearly coupons  
for interest thereon, hereto attached, as the same shall  
severally become due.

Dated at Almonte, Ontario, this \_\_\_\_\_ day of \_\_\_\_\_,  
A. D., 18 \_\_\_\_\_

#### SCHEDULE C.

By-law to authorize the issue of debentures for the sum of \_\_\_\_\_  
under the authority of *The Town of Almonte Debenture Act, 1888*.

Whereas, the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding forty-eight thousand dollars in the whole, as the corporation of the town of Almonte, in the county of Lanark, may, in pursuance of and conformity with the provisions of the said Act direct; and whereas, for the purposes mentioned in the said Act it is

necessary and expedient to issue debentures to the extent of  
dollars, payable on the            day of  
and on the            day of            (or, as the case may be)  
with interest thereon at the rate of            per centum per  
annum, payable half-yearly according to the coupons to the  
said debentures attached; and whereas, the amount of the  
whole rateable property of the said town of Almonte, according  
to the last revised assessment roll of the said town, being for  
the year one thousand            hundred and            , was

Therefore, the corporation of the said town enacts as  
follows:—

(1) The debentures under the said Act and for the purposes  
therein mentioned, to the extent of the sum of

are hereby authorized and directed to be issued.

(2) The said debentures shall have coupons thereto attached  
for the payment of interest at the rate of            per centum per  
annum, payable half-yearly on the first days of June and  
December in each year. This by-law passed in open council  
this            day of            in the year of our Lord one thousand  
   hundred and





No. 2.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to authorize the town of Almonte  
to issue certain debentures.

First Reading, 1888.

(Private Bill.)

MR. HULLARD.

TORONTO.

PRINTED BY WARWICK & SONS, 26 & 28 FRONT ST. W.

An Act to authorize the town of Almonte to issue certain debentures.

WHEREAS, the corporation of the town of Almonte, in the Preamble.  
 county of Lanark, have by their petition represented that they have a debt of \$48,000 (exclusive of interest and debentures for public school purposes), nearly all incurred for  
 5 permanent improvements within the said town, of which the sum of \$29,500 is secured by debentures of the said corporation, due and payable in the years 1888 to 1903 inclusive, with interest half yearly at five per centum per annum, and  
 10 the balance of the said debt of \$18,500 is a floating debt or liability; and whereas, the said corporation have further represented that a by-law for issuing debentures for the sum of \$18,500 has been passed to meet the said floating indebtedness, but that the debentures have not been issued under the said  
 15 by-law; and whereas, the said corporation have further represented that none of the said outstanding debenture debt or interest is in arrear; and whereas, the said corporation have further represented that the payments to be made on account of the said debenture debt outstanding, and of the debentures  
 20 authorized to be issued to pay the \$18,500 indebtedness during the ensuing years, would be oppressive to the ratepayers, and that it is desirable that the said corporation may be authorized to issue debentures to the extent of \$48,000 in the manner and according to the yearly amounts set forth in schedule A to this Act, for the purpose of raising funds to pay the said  
 25 liability of \$18,500, and also to pay or replace and extend the time for payment of the said debentures, maturing in the years aforesaid, and without providing a sinking fund or making other provision for the payment of the principal than is hereinafter provided, the interest to be levied by an annual  
 30 special rate over and above all other rates on the ratable property of the said municipality, and the principal of the said consolidated debt to be similarly levied in the years in which said debentures therefor shall fall due respectively, as set forth in schedule A to this Act; and whereas, it is expedient to grant the prayer of the said petition;  
 35 Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the said town of Almonte are hereby  
 40 consolidated at the sum of \$48,000. Debts consolidated at the sum of \$48,000.

2. The said corporation may issue debentures under the corporate seal signed by the mayor and countersigned by the treasurer of the said town, for the time being, in such sums Issue of debentures authorized.

not exceeding \$48,000 in the whole, as the said corporation may by by-law from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be made payable at such place as the corporation may deem expedient.

5

Power to borrow on debentures.

3. The corporation of the said town may raise by way of loan on the credit of the said debentures a sum not exceeding in the whole the sum of \$48,000, or may sell or dispose of the said debentures from time to time as they may deem expedient for the purposes of this Act.

10

Payment of debentures and interest.

4. The said debentures shall be for a sum of not less than \$100 each, and shall be payable in the manner, to the amounts, and at the times respectively set forth in the third and fourth columns of the said schedule A, and not otherwise, but such debentures shall not be issued before the years mentioned in the first column of the said schedule A. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable half-yearly on the first days of the months of June and December in each and every year at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding six per centum per annum.

15

20

Special rate for payment of debentures.

5. It shall be lawful for the said corporation to levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

25

Application of proceeds of debentures.

6. The said debentures, and all moneys to arise therefrom, shall be applied by the said corporation,

30

(a) In payment of the said liability of \$18,500; and

(b) In payment and redemption of outstanding debentures of said corporation to the amount of \$29,500, and for no other purpose whatsoever.

35

Arrangements with existing debenture-holders authorized.

7. The said corporation may arrange with the holders, or any of them, for the purchase of the outstanding debentures, or any of them, or for the substitution of the debentures authorized to be issued by this Act for the outstanding debentures, or any of them, and the said corporation may issue the whole or a sufficient portion of the said debentures authorized to be issued under this Act, to purchase, or substitute for, as the case may be, any such debentures that may be purchased or arranged for.

40

45

Payment of floating debt and outstanding debentures.

8. The treasurer of the said corporation, on receiving instructions from the said corporation so to do, shall pay off said liability of \$18,500, and also pay off any outstanding debentures and discharge the same, with the funds from time to time raised under this Act, or he may substitute, with the consent of the holders thereof, for any outstanding debentures, according to the time and for the yearly amounts only specified in

50

said schedule A, the debentures, or any of them, authorized to be issued by this Act, and upon such terms as may be agreed upon between the said corporation and the holders of the said outstanding debentures.

- 5 **9.** The debentures to be issued under this Act may be in the form contained in the schedule B to this Act. Form of debentures.
- 10.** The by-law, or the by-laws, for the issuing of the debentures authorized by this Act may be in the form of schedule C to this Act. Form of by-law.
- 10 **11.** The corporation, after the payment of the said floating indebtedness, may repeal any by-law of the said corporation which authorized the issuing of debentures and the levying of rates to meet the payment of the same. Repeal of by-laws.
- 15 **12.** No irregularity in the form of the said debentures, or any of them, or of any by-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any, or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law, or issue of debentures, or as to the application of the proceeds thereof. Irregularities not to render debentures invalid.
- 25 **13.** It shall not be necessary to obtain the assent of the electors or ratepayers of the said town of Almonte to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act* or any Act amending the same. Assent of electors not required.
- 30 **14.** Notwithstanding anything in this Act contained, all outstanding debentures which are public school debentures, or which have been issued for public school purposes, shall be provided for, retired and paid in all respects as if this Act had not been passed. Proviso as to outstanding school debentures.
- 35 **15.** Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Almonte from any indebtedness or liability which may not be included in said debt. Liability of corporation not discharged.
- 16.** This Act may be cited as *The Town of Almonte Debenture Act, 1888.* Mode of citation.
-

## SCHEDULE A.

Amount of debentures authorized to be issued under this Act, with year of issue and date of payment :—

1ST COLUMN. Year.	2ND COLUMN. Amount.	TOTAL ISSUE.	
		REPAYABLE 1ST. DECEMBER.	
		3rd Column. Amount.	4th Column. Year.
1888	\$18,500 Float'g liability	300	1888
		400	1889
		400	1890
		500	1891
		500	1892
		500	1893
		500	1894
		600	1895
		600	1896
		600	1897
		600	1898
		700	1899
		700	1900
		700	1901
		800	1902
		800	1903
		900	1904
		900	1905
		1000	1906
		1000	1907
1100	1908		
1100	1909		
1200	1910		
1200	1911		
Debentures.		900	1912
1888	1300	400	1913
		900	
1889	1300	400	1914
		900	
1890	1400	500	1915
		900	
1891	1500	600	1916
		900	
1892	1500	700	1917
		800	
1893	1600	800	1918
		800	
1894	1700	900	1919
		800	
1895	1800	1000	1920
		800	

Amount of Debentures authorized to be issued.—*Continued.*

1ST COLUMN.  Year.	2ND COLUMN.  Amount.	TOTAL ISSUE. REPAYABLE 1ST DECEMBER.	
		3rd Column. Amount.	4th Column. Year.
1896	1900	{ 1100 }	1920
		{ 800 }	
1897	2000	{ 1100 }	1921
		{ 900 }	
1898	2000	{ 1200 }	1922
		{ 800 }	
1899	2100	{ 1400 }	1923
		{ 700 }	
1900	2200	{ 1600 }	1924
		{ 600 }	
1901	2300	{ 1900 }	1925
		{ 400 }	
1902	2400	{ 2200 }	1926
		{ 200 }	
1903	2500	{ 2500 }	1927

#### SCHEDULE B.

Province of Ontario, town of Almonte, debenture.

Under and by virtue of *The Town of Almonte Debenture Act, 1888*, the corporation of the town of Almonte, in the county of Lanark, promise to pay the bearer at  
the sum of \_\_\_\_\_ on the  
day of \_\_\_\_\_ one thousand  
hundred and \_\_\_\_\_, and the half-yearly coupons  
for interest thereon, hereto attached, as the same shall  
severally become due.

Dated at Almonte, Ontario, this \_\_\_\_\_ day of \_\_\_\_\_,  
A. D.,

#### SCHEDULE C.

By-law to authorize the issue of debentures for the sum of \_\_\_\_\_ under the authority of *The Town of Almonte Debenture Act, 1888*.

Whereas, the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding forty-eight thousand dollars in the whole, as the corporation of the town of Almonte, in the county of Lanark, may, in pursuance of and conformity with the provisions of the said Act direct; and whereas, for the purposes mentioned in the said Act it is

necessary and expedient to issue debentures to the extent of  
dollars, payable on the                    day of  
and on the                    day of                    (or, as the case may be)  
with interest thereon at the rate of                    per centum per  
annum, payable half-yearly according to the coupons to the  
said debentures attached; and whereas, the amount of the  
whole ratable property of the said town of Almonte, according  
to the last revised assessment roll of the said town, being for  
the year one thousand                    hundred and                    , was

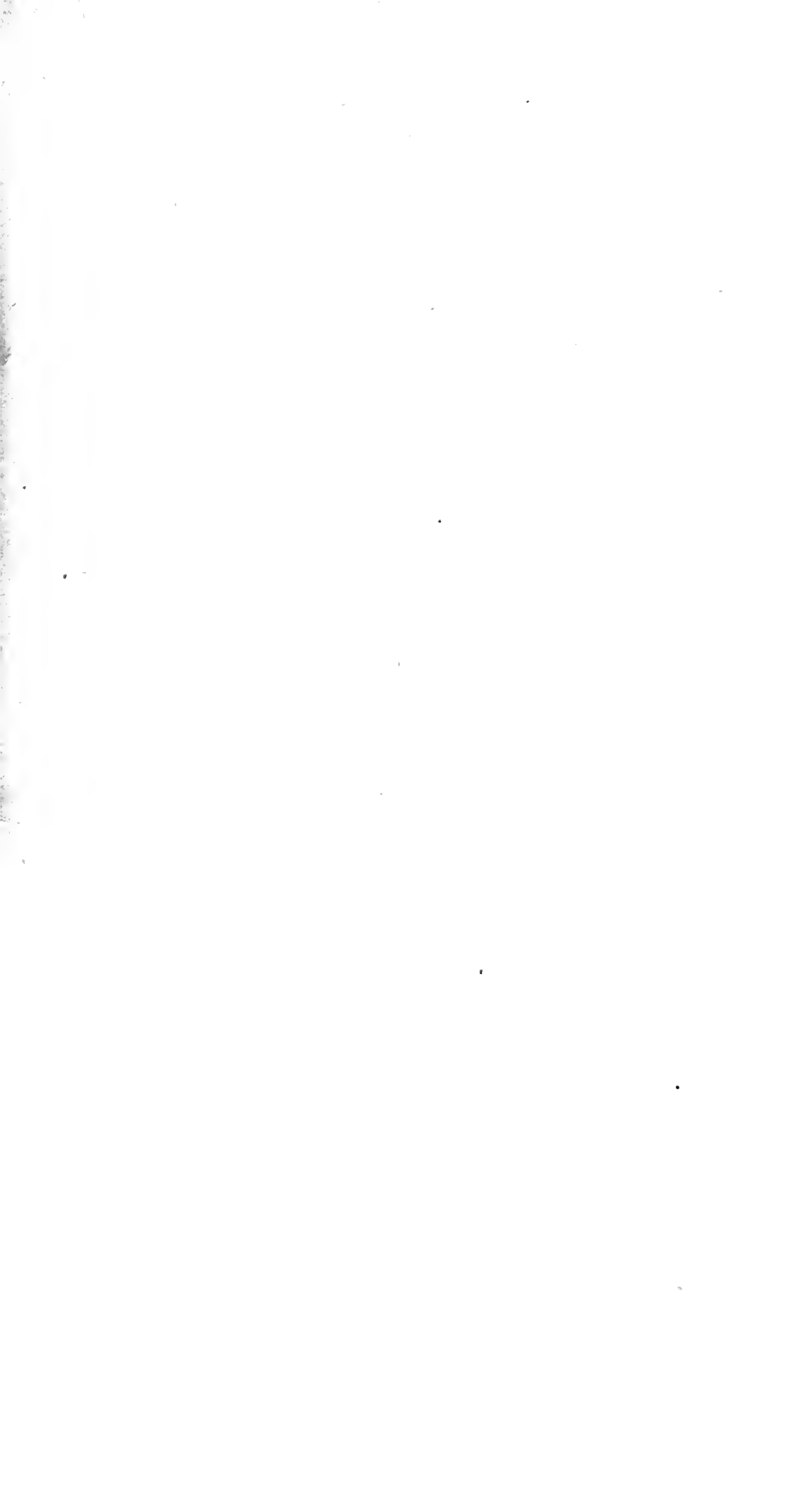
Therefore, the corporation of the said town enacts as follows:—

(1) The debentures under the said Act and for the purposes therein mentioned, to the extent of the sum of

are hereby authorized and directed to be issued.

(2) The said debentures shall have coupons thereto attached for the payment of interest at the rate of                    per centum per annum, payable half-yearly on the first days of June and December in each year. This by-law passed in open council this                    day of                    in the year of our Lord one thousand                    hundred and





No. 2.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to authorize the town of Almonte  
to issue certain debentures.

*Re-printed as amended by Private Bills  
Committee.*

First Reading, 2nd February, 1888.

(Private Bill.)

Mr. HULLARD

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

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No. 3.]

**BILL.**

[1888.

An Act to further amend the Acts respecting the Port Arthur, Duluth, and Western Railway Company.

5 **W**HEREAS, the Port Arthur, Duluth, and Western Rail- Preamble.  
way Company has, by its petition, prayed for power to  
change the direction of its branch line by giving it a more  
southerly course ; and whereas, it is expedient to grant the  
prayer of the said petition :

10 Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Section 1 of the Act passed in the forty-ninth year of <sup>49 V. c. 79, s.</sup>  
Her Majesty's reign, chaptered 79, is hereby amended by sub- <sup>1, amended.</sup>  
stituting the words "at or near the west or south-west end  
15 of Gun Flint Lake" for the words "at or near Crooked  
Lake."

No. 3.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to further amend the Acts respecting the Port Arthur, Duluth, and Western Railway Company.

First Reading,                      , 1888.

(Private Bill.)

Mr. CONNIE.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to further amend the Acts respecting the Port Arthur, Duluth, and Western Railway Company.

**W**HEREAS the Port Arthur, Duluth and Western Railway Company has, by its petition, prayed for power to *extend the main line of its railway*; and whereas it is expedient to grant the prayer of the said petition;

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Section 1 of the Act passed in the 49th year of Her Majesty's reign, chaptered 79, is hereby repealed and the following substituted therefor:—

10 **1.** The said company shall have full power and authority to construct their line from a point in or near the Town of Port Arthur by way of Whitefish Lake to a point at or near the west or south-west end of Gun Flint Lake.

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2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL.

An Act to further amend the Acts respecting the Port Arthur, Duluth, and Western Railway Company.

*Reprinted as amended by Railway Committee.*

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First Reading, 17th February, 1888.

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(Private Bill)

Mr. CONNIE.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the town of Port Arthur and the Municipalities of Shuniah and Neebing.

**W**HEREAS, the corporations of the town of Port Arthur Preamble.  
and of the municipalities of Shuniah and Neebing in  
the provisional judicial district of Thunder Bay, have by their  
petition set forth, that the corporation of the municipality of  
5 Shuniah in the then provisional judicial district of Algoma, was  
incorporated by an Act of this Legislature, passed in the thirty-  
sixth year of Her Majesty's reign and chaptered 50; and that  
the corporation of the municipality of Neebing in the then  
territorial district of Thunder Bay in the said then provisional  
10 judicial district of Algoma, was incorporated by an Act of this  
Legislature passed in the forty-fourth year of Her Majesty's  
reign and chaptered 43, and thereby detached from the muni-  
cipality of Shuniah; and that the corporation of the town of  
Port Arthur in the said then territorial district of Thunder Bay,  
15 was incorporated by an Act of this Legislature passed in the  
forty-seventh year of Her Majesty's reign and chaptered 57, and  
thereby detached from the said municipality of Shuniah; and  
that by the said Acts and other Acts of this Legislature, provision  
was made for the arrangement, apportionment and settlement of  
20 the debts and matters referred to in the memorandum of agree-  
ment, report and deed, hereinafter mentioned, and incorporated  
in the schedules to this Act; and that by the said memoran-  
dum of agreement which was made on the 6th day of Novem-  
ber, 1885, between the corporation of the municipality of  
25 Shuniah thereto of the first part, and the corporation of the  
municipality of Neebing thereto of the second part, the said  
municipalities settled and arranged between themselves the  
amount of the debenture debt of the municipality of Shuniah,  
to be assumed by each of the said municipalities respectively,  
30 and the terms on which it should be so assumed, which memor-  
andum of agreement is set out in full in Schedule A appended  
to this Act; and that by the said report, which was made on  
the 9th day of April, 1886, of a committee of the council of the  
corporation of the town of Port Arthur, appointed to adjust  
35 and settle all matters in question between the corporations of  
the town of Port Arthur and the municipality of Shuniah, and  
to agree to an apportionment between the said corporations of  
the property, assets, debts, liabilities and obligations of the  
municipality of Shuniah, the said matters in question were  
40 shewn to have been adjusted and settled, and the said appor-  
tionment to have been mutually and finally made, which  
report is set out in full in the Schedule B appended to this Act;  
and that by the said deed which was made on the 23rd day of  
August, 1886, between the corporation of the town of Port  
45 Arthur thereto of the first part, the corporation of the muni-

cipality of Shuniah thereto of the second part, and the  
 corporation of the municipality of Neebing thereto of the third  
 part, reciting amongst other things the agreement between  
 the corporations of the municipalities of Shuniah and Neebing  
 as to the proportions in which the debenture debt of the mun- 5  
 icipality of Shuniah should be paid by each such municipality  
 respectively, and reciting also the agreement between the cor-  
 poration of the town of Port Arthur and the corporation of  
 the municipality of Shuniah as to the apportionment between  
 them of the property, assets, debts, liabilities and obligations 10  
 of the municipality of Shuniah, and also reciting that the  
 respective councils of the town of Port Arthur and the  
 municipality of Shuniah had concurred in and adopted the  
 said report of the said committee of the 9th of April, 1886, and  
 also reciting the expediency of formally ratifying and con- 15  
 firming the said memorandum of agreement and report by the  
 corporations of the said town of Port Arthur and of the  
 municipalities of Shuniah and Neebing, that it was thereby  
 witnessed that the said corporations of the municipalities of  
 Shuniah and Neebing parties respectively of the second and 20  
 third parts to the said deed agreed one with the other, that the  
 said debenture debt of the original municipality of Shuniah  
 should be assumed and paid as between themselves in the  
 proportions mentioned in the said memorandum of agreement  
 of the 6th of November, 1885, and that they thereby severally 25  
 ratified and confirmed the terms of the said memorandum in  
 all other respects, and that it was thereby further witnessed  
 that the corporation of the town of Port Arthur and the cor-  
 poration of the municipality of Shuniah parties respectively  
 of the first and second parts to the said deed agreed the one 30  
 with the other, that what remained of the said debenture debt  
 of the original municipality of Shuniah should be assumed and  
 paid as between themselves in the proportions mentioned in  
 the said report of the 9th of April, 1886, and that they  
 severally ratified and confirmed the terms of the said report in 35  
 all other respects, and that it was further thereby witnessed  
 that the said several municipal corporations parties to the said  
 deed, covenanted and agreed the one with the other and others  
 of them that they were severally satisfied with the said agree-  
 ments, and would cause to be taken all proper and requisite 40  
 means to have the same ratified, legalized and confirmed by  
 this Legislature, which deed is set out in full in Schedule C  
 appended to this Act; and whereas, by the said petition it is  
 further set forth that it is desirable that the said deed of the  
 23rd of August, 1886, should be legalized, validated and con- 45  
 firmed by this Legislature; and whereas, by the said petition  
 it is further set forth that doubts have arisen as to whether or  
 not the said corporation of the town of Port Arthur has under  
 its Act of incorporation as was intended all the powers of an  
 incorporated town separated from a county for municipal 50  
 purposes, and that it is expedient, in view of its position, that  
 such doubts should be removed and that the powers of the said  
 corporation of the town of Port Arthur should be declared and  
 confirmed; and whereas, by the said petition it is further set  
 forth that doubts have also arisen as to whether or not the 55  
 said corporations of the town of Port Arthur and of the said  
 municipalities of Shuniah and Neebing have as was intended,  
 power to add ten per cent. on arrears of taxes referred to in  
*The Assessment Act* in respect of arrears of taxes in the said



several corporations, and it is desirable that the said doubts should be set at rest by this Legislature; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said deed of the 23rd day of August, 1886, made between the corporations of the town of Port Arthur and of the municipalities of Shuniah and Neebing, and set out in full in the Schedule C appended to this Act, and also the said memorandum of agreement of the 6th day of November, 1885, made between the corporations and the municipalities of Shuniah and Neebing, and the said report of the 9th day of April, 1886, of the committee of the council of the corporation of the town of Port Arthur, both referred to in the said deed and set out in full in the Schedules A and B respectively to this Act appended, are hereby in all respects confirmed and made legal and valid for every purpose, object and intent.

Deed and memorandum of arrangement between Port Arthur, Shuniah and Neebing legalized.

2. The Act passed in the forty-seventh year of Her Majesty's reign and chaptered 57, intituled, *An Act to Incorporate the Town of Port Arthur*, is hereby declared to have conferred on the corporation of the town of Port Arthur thereby incorporated, all the powers, rights and privileges, so far as they can and may be exercised by it, which incorporated towns in Ontario, separated from their respective counties for municipal purposes, have, enjoy and exercise.

Port Arthur to have same powers as towns separated from counties.

3. Section 157 of chapter 193 of the Revised Statutes of Ontario, 1887, intituled, *An Act respecting the Assessment of Property*, and the corresponding sections of the several Acts of this Province respecting assessments and arrears of taxes heretofore in force, are hereby declared to have always applied to, and the said section 157 of chapter 193 of the said Revised Statutes shall at all times hereafter apply to the municipalities of Shuniah and Neebing and to the town of Port Arthur in respect of arrears of taxes in the said municipalities and town, and so that the ten per cent. chargeable on arrears of taxes referred to in the sections mentioned, of the said Revised and other assessment Acts, may and shall be recoverable in like manner as other taxes in arrear in the said municipalities and town, and so that the assessed lands may be sold in respect thereof and therefor, as well as for the ordinary taxes in arrear for the statutory period, provided all other provisions of the said Acts in regard to the said ten per cent and arrears are by the said several corporations complied with; but this section shall not apply to any action now pending, the result of which would be thereby changed.

Power of Port Arthur, Shuniah and Neebing as to 10 per cent. charge on arrears of taxes.

Saving clause.

## SCHEDULE A.

### *Exhibit A.*

Memorandum of agreement made in duplicate this sixth November, A. D., 1885, between the corporation of the municipality of Shuniah of the first part, and the corporation of the municipality of Neebing of the second part;

Whereas, both of the said municipalities were included in the municipality of Shuniah;

And whereas, by an Act of the Province of Ontario, passed in the forty-fourth year of Her Majesty's reign, entitled *An Act to organize the Municipality of Neebing*, the said municipality of Neebing was withdrawn from the said municipality of Shuniah and constituted a body corporate under the name of the corporation of the municipality of Neebing;

And whereas, prior to the passing of the said Act, to wit, in the year of our Lord one thousand eight hundred and seventy-five, the original municipality of Shuniah issued its debentures for the sum of \$35,000, payable in twenty years from the date thereof, with interest payable half-yearly;

And whereas, by an agreement dated the 5th day of October, A. D., 1881, made between the parties hereto, certain terms of settlement between the said parties hereto were agreed upon;

And whereas, the proportion of the said debenture debt of \$35,000, to be borne by each of the parties hereto, was not agreed upon;

And whereas, the parties hereto have agreed to settle the amount of said debenture debt to be assumed by each on the terms and conditions herein contained;

Now therefore, this agreement witnesseth as follows:—

The said party of the second part for itself and its successors assumes the payment of ten thousand five hundred dollars of the said debenture debt from the date of the issue of the said debentures, together with all interest thereon, and covenants and agrees to save harmless the said party of the first part and its successors from time to time and at all times hereafter from and against all loss, cost, charges, damages, and expenses which the said party of the first part or its successors may at any time hereafter sustain or be put to by reason of the said party of the second part not paying the interest on the said assumed debentures as it falls due from time to time, or not paying the said assumed debentures at the maturity thereof.

And the said party of the first part for itself and its successors agrees to save harmless the said party of the second part and its successors from time to time and at all times hereafter from and against all loss, cost, charges, damages, and expenses which the said party of the second part or its successors may at any time hereafter sustain or be put to by reason or on account of the said party of the second part having to pay the interest or any other of the said debentures, other than the said \$10,500 so assumed by them, or having to pay more of the said debentures than the \$10,500 so assumed.

All moneys heretofore paid by either of the parties hereto on account of said debentures shall be deemed to have been properly paid, and neither party shall claim from the other any amount for any money paid on said account.

Any portion of said agreement dated 5th October, 1881, varying from or inconsistent herewith, is hereby rescinded.

The said party of the second part to pay interest on \$12,500, for the payment due on 1st January, A. D., 1885, and on \$10,500 for the payment due on 1st July, A. D., 1885.

In witness whereof the parties hereto have caused to be affixed hereto their respective seals, and the reeves and clerks of the said corporations have hereunto set their hands.

W. F. DAVIDSON, Reeve,	} L. S. }
W. H. LANGWORTHY, Clerk and Treasurer,	
SIDNEY SIMTH, Reeve,	} L. S. }
W. McLEAN, Clerk.	

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SCHEDULE B.

*Exhibit B.*

Report of committee appointed to meet with a committee of the township municipal council of Shuniah and arrange a basis of settlement of all accounts and matters outstanding between the councils of Shuniah and Port Arthur.

1. Your committee beg to report that in accordance with resolution 6 of the adjourned first meeting of your council, held on the 18th day of January, 1886, they have been in communication with a committee appointed by the council of Shuniah, at the seventh meeting of the twelfth council of the said municipality, held on the said 18th day of January, 1886, in regard to the adjustment and settlement of all accounts and matters in question between the two municipalities.

2. That the joint committee of the said municipalities appointed as aforesaid at a meeting thereof, held on Tuesday, the 6th day of February, 1886, appointed by resolution a sub-committee, composed of W. F. Davidson, reeve of Shuniah, George T. Marks, chairman of committee of finance of Port Arthur, and W. H. Langworthy, clerk and treasurer of both municipalities, to investigate the said accounts and matters in question and to report thereon to the said committee.

3. That the said sub-committee having gone fully into the questions at issue, have presented to the said committees a report thereon, which report has been adopted by the respective committees, both separately and jointly.

4. That your committee now recommend to the council, that the said report, which has been adopted by them, be received, confirmed, and adopted by the council, a copy of which is attached hereto and embodied in and made part of this report.

[Signed]

GEO. H. MACDONELL,  
Chairman of the Committee.

Port Arthur, April 9th, 1886.

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*Settlement between the Municipality of Shuniah and  
Port Arthur.*

The sub-committee composed of Messrs W. F. Davidson, reeve of Shuniah, George T. Marks, chairman of the finance committee of the corporation of the town of Port Arthur, and

W. H. Langworthy, clerk and treasurer of both the said municipalities, appointed jointly by the settlement committees of the councils of Shuniah and Port Arthur, beg to report as follows:—

1. That the debenture debt of the original municipality of Shuniah is \$35,000 with accrued and unpaid coupon interest thereon to January 1st, 1886, \$3,675 and overdue interest thereon to March 1st, 1886, as per Mr. J. H. Mason's letter of January 26th, 1886, of \$187.18 as follows:

Debentures .....	\$35,000 00
Coupon due January 1st, 1885,.....	1,225 00
do. July 1st, 1885,.....	1,225 00
Overdue interest on coupons to March 1st, 1886.....	187 18
	<hr/>
	\$38,862 18

2. That the municipalities of Shuniah and Neebing having arranged a settlement as to the proportions to which each municipality is to be liable for the original debenture debt which is as follows:—

Shuniah,.....	\$24,500 00
Neebing,.....	10,500 00
	<hr/>
	\$35,000.00

Each of said municipalities of Shuniah and Neebing to pay the overdue interest and arrange for the sinking fund on such debentures in like proportions, save and except that the municipality of Neebing has to pay such proportion of the coupon interest (together with overdue interest thereon), due January 1st, 1885, which will be represented by the sum of \$12,500 instead of \$10,500, which would shew amount due for coupons

as follows:—.....	\$3,675.00
Shuniah.....	\$2,502.50
Neebing.....	1,172 50
Interest on coupons overdue to March 1st, '86.....	\$187 18
Shuniah.....	\$124 68
Neebing.....	\$ 62 50
	<hr/>
	\$2,6271 18 \$1,235 00 \$3,862 18

3. That according to the said settlement between the municipalities of Shuniah and Neebing, the proportions of the said debenture debt, interest, overdue interest and sinking fund, for which the joint municipalities of Shuniah and Port Arthur are liable, will be as follows:—

Debenture debt .....	\$24,500 00
Coupons overdue.....	\$2,502 50
Interest thereon.....	124 68 \$2,627 18
	<hr/>
	\$27,127 18

4. That of the said last mentioned amounts, the apportionment of said debenture debt between the municipalities of Shuniah and Port Arthur, according to the last revised assessment roll of Shuniah, prior to the separation of said muni-

icipalities on the incorporation of the town of Port Arthur, is as follows:—

Total assessment.....	\$386,062 00
Assessment on lands taken into Port Arthur..	\$266,336 00
Port Arthur's proportion of debenture debt on assessment.....	\$17,000 00
Shuniah's proportion of debenture debt on assessment .....	\$7,500 00
	<u>\$24,500 00</u>

Coupons due January 1st, July 1st, 1885, and Jan. 1st, 1886.

Port Arthur.....	\$1,736 43
Shuniah, .....	766 07
	<u>\$2502 50</u>

Interest on overdue coupons:

Port Arthur,.....	\$86 51
Shuniah.....	38 17
	<u>\$124 68</u>
	\$27,127 18

Liabilities of Port Arthur, for debentures.	17 000	
do. Shuniah, .....		7,500 00
Coupon interest .....	1,736 43	766 07
Interest on overdue coupons.....	86 51	38 17
	<u>\$18822 94</u>	<u>\$8,304 24</u>

Total .....\$27,127 18

5. That the interest paid by Shuniah on September 27th 1884, \$786 for her proportion of coupon interest, due July 1st 1884, of \$1,225, be apportioned as follows:

Shuniah.....	240 61
Port Arthur .....	545 39
	<u>786 00</u>

and that Port Arthur do now pay to the municipality of Shuniah, the sum of \$599.64, being for interest

paid as above. ....	545 39
Interest on above amount to March 1st, 1886.....	54 25
	<u>599 64</u>

6. That each of the said municipalities of Shuniah and Port Arthur shall assume the sinking fund on their respective portions of the said debenture debt as follows.

Shuniah.....	\$ 7,500 00
Port Arthur.....	17,000 00

which should have accrued, or may hereafter accrue, on said proportions of the said debt, and that the respective municipalities indemnify each other against all charges which may arise for the non-payment of the said debenture debt or interest thereon.

8. That Messrs. Roaf & Roaf's account of \$324.90, for defending suits of Western Assurance Company, and which still remains unpaid, shall be apportioned as follows:—

Shuniah.....	\$ 99 46
Port Arthur.....	225 44
	<u>\$ 324 90</u>

9. That the notes issued by the municipality of Shuniah for water frontages granted to the Canadian Pacific Railway Company, and which were afterwards paid by the municipality of Port Arthur, and the interest thereon, both of which notes and interest appear at the debit of the municipality of Shuniah in the books of the corporation of Port Arthur, be assumed by the said municipality of Port Arthur only, and that the amount of the said account be credited to the said municipality of Shuniah in the said books of the corporation, viz., to purchase from

Hon. J. C. Aikins.....	\$1,000 00	
"    John Catto.....	1,000 00	
"    C. P. Brown.....	1,000 00	
	<hr/>	\$3,000 00
Interest thereon.....		89 76
F. S. Nugent.....	1,000 00	
Interest thereon.....		136 79
D. F. Burk.....	1,000 00	
	1,000 00	
	1,000 00	
	1,000 00	
	<hr/>	4,000 00
Interest thereon.....		226 82
W. H. Laird.....		1000 00
Interest thereon.....		55 44
G. T. Marks.....	1,000 00	
	1,000 00	
	<hr/>	2,000 00
Interest thereon.....		110 88
Thomas Marks.....	264 00	
	500 00	
	<hr/>	764 00
Interest thereon.....		42 68
		<hr/>
Total.....		\$12,426 37

9. That the amount paid J. D. Ronald by the corporation of Port Arthur, in connection with steam fire engine and charged to the municipality of Shuniah in the books of Port Arthur, be assumed by Port Arthur, and that the said amount of \$4,619.76 be credited to the account of the municipality of Shuniah as it now stands in the books of Port Arthur.

10. That the sum of \$175.00 charged to the municipality of Shuniah in the books of Port Arthur for amount paid Ontario Bank for balance of overdrawn account of Public School trustees, be credited to the municipality of Shuniah in the said books.

11. That the sum of \$35.31, for sundry disbursements made by Port Arthur on account of Shuniah and charged to said account, be credited as aforesaid to account of the municipality of Shuniah.

12. That the following appliances in connection with the fire department be transferred to Port Arthur:—

Hand engine, hose, etc., valued at....	\$1,000 00
Amount paid by Shuniah to J. D.	
Ronald on account Steamer....	1,350 00
Building valued at.....	2,000 00
	<hr/>
	\$4,350 00

12a. That all arrears of taxes at July 1st, 1883, and now remaining unpaid, on the north and south wards of Prince Arthur's Landing and on such other lots as are now embraced in the town of Port Arthur, and amounting to \$3,450.03, be transferred to Port Arthur.

13. That all streets, roads, crossings, sidewalks, and all permanent and other improvements shall become the property and belong to the respective municipalities in which they are situated.

14. That the sum of \$3,400.36 shall be paid to the municipality of Shuniah by the corporation of the town of Port Arthur in full discharge and settlement of all outstanding accounts between the two municipalities, such amount to be exclusive of and over and above the items of \$599.64 and \$225.44 mentioned in clauses 5 and 6 of this report.

15. That the Clerk be instructed to furnish the municipality of Neebing with a statement of her proportion of the debenture debt, coupon interest and overdue interest thereon, amounting to \$11,735.00 as per this report.

16. That if it is deemed expedient then that the municipalities of Shuniah and Neebing be requested to join with Port Arthur in procuring legislation to legalize the settlement between Shuniah and Neebing, dated the 6th day of November, 1885, and this settlement.

17. That an agreement be drawn to this effect, and the same be ratified by the Councils of both municipalities, and that a copy of this report be a portion of said agreement.

W. F. DAVIDSON, *Reeve of Shuniah.*

GEORGE T. MARKS, *Chairman of Finance P. A.*

W. H. LANGWORTHY, *Clerk.*

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### SCHEDULE C.

This indenture, made in triplicate this twenty-third day of August, one thousand eight hundred and eighty six, between the corporation of the town of Port Arthur, of the first part, the corporation of the municipality of Shuniah, of the second part, and the corporation of the municipality of Neebing, of the third part.

Whereas, the territorial limits of the several corporations parties hereto comprised originally the territorial limits of and was the municipality of Shuniah, incorporated by the Act of the Ontario Legislature, being chapter 50 of the 36th Victoria ;

And whereas, by the Act of the said Legislature, being chapter 43 of 44th Victoria, the corporation of the municipality of Neebing was organized out of the said municipality of Shuniah, and by that Act formed into a separate municipality ;

And whereas, by another Act of the said Legislature, being 47th Victoria, chapter 58, the town of Port Arthur was incorporated also out of part of the said municipality of Shuniah ;

And whereas, the said corporation of the municipality of Shuniah, prior to the formation thereof of the said corporation of Neebing, incurred liability and issued its debentures to the extent of thirty-five thousand dollars, hereinafter mentioned, for which debentures the parties hereto are still jointly and severally liable to the holders thereof ;

And whereas, under the provisions of the said Act of 44th Victoria, the corporations of Neebing and Shuniah, in pursuance of the sections numbered from 50 to 60 of the then Municipal Act, mutually agreed as to the several proportions of the said debenture-debts of the said original municipality of Shuniah, which should be paid by each respectively, to wit: twenty-four thousand five hundred dollars by the said municipality of Shuniah, and ten thousand five hundred dollars by the said municipality of Neebing ;

And whereas, the corporation of the town of Port Arthur, in pursuance of its said Act of incorporation, agreed with the municipality of Shuniah as to the apportionment between them of the property, assets, debts, liabilities and obligations of the municipality of Shuniah ;

And whereas, the terms of agreement between the said municipalities of Shuniah and Neebing are embraced in a memorandum of agreement, made the sixth day of November, one thousand eight hundred and eighty-five, under the respective seals of the said municipalities, and the hands of their respective reeves and clerks, whereby it appeared that the debt of the original municipality of Shuniah was wholly composed of a debenture debt of thirty-five thousand dollars, payable as in the said agreement mentioned, and whereby it appeared that of that debt the corporation of the municipality of Neebing assumed the payment of ten thousand five hundred dollars, as set out in the said memorandum, a copy whereof, marked exhibit "A," is hereto attached ;

And whereas, the corporation of the town of Port Arthur and the municipality of Shuniah, in pursuance of the said Act of incorporation of the town of Port Arthur, duly appointed a committee, composed of William Frederick Davidson, the reeve of Shuniah, George Thomas Marks, the chairman of the committee of finance of Port Arthur, and William Howard Langworthy, the clerk and treasurer of both the said municipalities, to arrange a basis of apportionment between the said municipalities of the property, assets, debts, liabilities and obligations of the municipality of Shuniah, and the said committee did, on the 9th day of April, one thousand eight hundred and eighty-six, report to the said municipalities in the terms set out in their report, a copy whereof is hereunto annexed, marked exhibit "B" ;

And whereas, the respective councils of the town of Port Arthur and the municipality of Shuniah concurred in and adopted the said report ;

And whereas, it is expedient that the terms of the said memorandum of agreement, made between the municipalities of Shuniah and Neebing, and of the said report of the said committee, should be by these presents formally ratified and confirmed by the several municipalities parties hereto.

Now, this indenture witnesseth as follows, namely :

The corporation of the municipality of Shuniah, party hereto of the second part, and the corporation of the municipality of Neebing, party hereto of the third part, covenant and agree



the one with the other that the proportions of the said debenture debt of the original municipality of Shuniah should be assumed and paid as between themselves in the proportions mentioned in the said memorandum, namely, ten thousand five hundred dollars thereof, together with the interest thereon from the first day of January, one thousand eight hundred and eighty-five, by the said municipality of Neebing, and the balance of the said debenture debt, being twenty-four thousand five hundred dollars, together with the interest thereon, by the said municipality of Shuniah; and the said municipalities of Neebing and Shuniah do hereby severally ratify and confirm the terms of the said memorandum of agreement in all other respects.

And the corporation of the town of Port Arthur, party hereto of the first part, and the corporation of the municipality of Shuniah party hereto of the second part, covenant and agree, the one with the other, that the proportions of what remained of the said debenture debt of the original municipality of Shuniah, being the said original amount thereof, after deducting the proportion thereof assumed as aforesaid by the said municipality of Neebing, should be assumed and paid as between them, the said municipalities of Port Arthur and Shuniah, in the proportions mentioned in the said report of the said committee, namely, seventeen thousand dollars by the said corporation of Port Arthur, with the interest mentioned in the said report, and the balance of the said debenture debt, being seven thousand five hundred dollars, together with interest thereon, also in the said report mentioned, by the said municipality of Shuniah; and the said corporation of Port Arthur and the municipality of Shuniah do hereby severally ratify and confirm the terms of the said report in all other respects.

And further, it is hereby witnessed that the said several municipal corporations parties hereto, severally covenant and agree, the one with the other, and others of them, that they are severally satisfied with the said agreements, and will cause to be taken all proper and requisite means to have the several agreements in these presents contained ratified, legalized and confirmed by the Legislature of the Province of Ontario in such manner and form and at such time as the said several corporations parties hereto may be by their counsel or solicitors respectively advised.

And these presents further witness that the said municipal corporations parties hereto covenant, the one with the other or others of them, that they shall do and take all lawful measures and adopt all reasonable means to effect such an arrangement with the holders for the time being of the said debentures, to issue such substitutional debentures therefor of the several said municipalities as will leave the said several municipalities liable only to the said holders for the amounts for which, as between the said municipalities themselves they are severally by the said hereinbefore recited agreement and these presents liable.

As witness the hands of the mayor of the said corporation of the town of Port Arthur, and of the several reeves of the said other corporations parties hereto, and the hands of the several

clerks of the said municipalities, and the several corporate seals thereof hereto attached.

Signed, sealed and delivered }  
 in the presence of }  
 (Sd.) A. S. WINK. }

(Sd.) GEO. H. MACDONELL,  
 Mayor.

(Sd.) W. H. LANGWORTHY,  
 Clerk.



(Sd.) W. F. DAVIDSON,  
 Reeve

(Sd.) W. H. LANOWORTHY,  
 Clerk.



(Sd.) SYDNEY SMITH,  
 Reeve.

(Sd.) W. McLEAN,  
 Clerk.





BILL.

An Act respecting the Town of Port Arthur and the Municipalities of Shuniah and Neelbig.

First Reading,	1888.
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(Private Bill)

MR. CONNIE.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Town of Port Arthur and the Municipalities of Shuniah and Neebing.

**W**HEREAS the corporations of the town of Port Arthur Preamble. and of the municipalities of Shuniah and Neebing in the provisional judicial district of Thunder Bay, have by their petition set forth, that the corporation of the municipality of  
5 Shuniah in the then provisional judicial district of Algoma, was incorporated by an Act of this Legislature, passed in the thirty-sixth year of Her Majesty's reign and chaptered 50; and that the corporation of the municipality of Neebing in the then territorial district of Thunder Bay in the said then provisional  
10 judicial district of Algoma, was incorporated by an Act of this Legislature passed in the forty-fourth year of Her Majesty's reign and chaptered 43, and thereby detached from the municipality of Shuniah; and that the corporation of the town of Port Arthur in the said then territorial district of Thunder Bay,  
15 was incorporated by an Act of this Legislature passed in the forty-seventh year of Her Majesty's reign and chaptered 57, and thereby detached from the said municipality of Shuniah; and that by the said Acts and other Acts of this Legislature, provision was made for the arrangement, apportionment and settlement of  
20 the debts and matters referred to in the memorandum of agreement, report and deed, hereinafter mentioned, and incorporated in the schedules to this Act; and that by the said memorandum of agreement which was made on the 6th day of November, 1885, between the corporation of the municipality of  
25 Shuniah thereto of the first part, and the corporation of the municipality of Neebing thereto of the second part, the said municipalities settled and arranged between themselves the amount of the debenture debt of the municipality of Shuniah, to be assumed by each of the said municipalities respectively,  
30 and the terms on which it should be so assumed, which memorandum of agreement is set out in full in schedule A appended to this Act; and that by the said report, which was made on the 9th day of April, 1886, of a committee of the council of the corporation of the town of Port Arthur, appointed to adjust  
35 and settle all matters in question between the corporations of the town of Port Arthur and the municipality of Shuniah, and to agree to an apportionment between the said corporations of the property, assets, debts, liabilities and obligations of the municipality of Shuniah, the said matters in question were  
40 shewn to have been adjusted and settled, and the said apportionment to have been mutually and finally made, which report is set out in full in the schedule B appended to this Act; and that by the said deed which was made on the 23rd day of August, 1886, between the corporation of the town of Port  
45 Arthur thereto of the first part, the corporation of the muni-

cipality of Shuniah thereto of the second part, and the  
 corporation of the municipality of Neebing thereto of the third  
 part, reciting amongst other things the agreement between  
 the corporations of the municipalities of Shuniah and Neebing  
 as to the proportions in which the debenture debt of the mun- 5  
 icipality of Shuniah should be paid by each such municipality  
 respectively, and reciting also the agreement between the cor-  
 poration of the town of Port Arthur and the corporation of  
 the municipality of Shuniah as to the apportionment between  
 them of the property, assets, debts, liabilities and obligations 10  
 of the municipality of Shuniah, and also reciting that the  
 respective councils of the town of Port Arthur and the  
 municipality of Shuniah had concurred in and adopted the  
 said report of the said committee of the 9th of April, 1886, and  
 also reciting the expediency of formally ratifying and con- 15  
 firming the said memorandum of agreement and report by the  
 corporations of the said town of Port Arthur and of the  
 municipalities of Shuniah and Neebing, that it was thereby  
 witnessed that the said corporations of the municipalities of  
 Shuniah and Neebing parties respectively of the second and 20  
 third parts to the said deed agreed one with the other, that the  
 said debenture debt of the original municipality of Shuniah  
 should be assumed and paid as between themselves in the  
 proportions mentioned in the said memorandum of agreement  
 of the 6th of November, 1885, and that they thereby severally 25  
 ratified and confirmed the terms of the said memorandum in  
 all other respects, and that it was thereby further witnessed  
 that the corporation of the town of Port Arthur and the cor-  
 poration of the municipality of Shuniah parties respectively  
 of the first and second parts to the said deed agreed the one 30  
 with the other, that what remained of the said debenture debt  
 of the original municipality of Shuniah should be assumed and  
 paid as between themselves in the proportions mentioned in  
 the said report of the 9th of April, 1886, and that they  
 severally ratified and confirmed the terms of the said report in 35  
 all other respects, and that it was further thereby witnessed  
 that the said several municipal corporations parties to the said  
 deed, covenanted and agreed the one with the other and others  
 of them that they were severally satisfied with the said agree- 40  
 ments, and would cause to be taken all proper and requisite  
 means to have the same ratified, legalized and confirmed by  
 this Legislature, which deed is set out in full in schedule C  
 appended to this Act; and whereas, by the said petition it is  
 further set forth that it is desirable that the said deed of the 45  
 23rd of August, 1886, should be legalized, validated and con-  
 firmed by this Legislature; and whereas, by the said petition  
 it is further set forth that doubts have arisen as to whether or  
 not the said corporation of the town of Port Arthur has under  
 its Act of incorporation, as was intended, all the powers of an 50  
 incorporated town separated from a county for municipal  
 purposes, and that it is expedient, in view of its position, that  
 such doubts should be removed and that the powers of the said  
 corporation of the town of Port Arthur should be declared and  
 confirmed; and whereas, by the said petition it is further set  
 forth that doubts have also arisen as to whether or not the 55  
 said corporations of the town of Port Arthur and of the said  
 municipalities of Shuniah and Neebing have, as was intended,  
 power to add ten per cent. on arrears of taxes referred to in  
*The Assessment Act* in respect of arrears of taxes in the said

several corporations, and it is desirable that the said doubts should be set at rest by this Legislature: ~~and~~ and whereas the Reeves of the municipalities of Shuniah and Neebing, and the Mayor of the said town of Port Arthur, have appeared and represented that no opposition exists in the said municipalities to the granting of the prayer of the said petition; ~~and~~ and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said deed of the 23rd day of August, 1885, made between the corporations of the town of Port Arthur and of the municipalities of Shuniah and Neebing, and set out in full in the schedule C appended to this Act, and also the said memorandum of agreement of the 6th day of November, 1885, made between the corporations of the municipalities of Shuniah and Neebing, and the said report of the 9th day of April, 1886, of the committee of the council of the corporation of the town of Port Arthur, both referred to in the said deed and set out in full in the schedules A and B respectively to this Act appended, are hereby in all respects confirmed and made legal and valid for every purpose, object and intent.

2. The Act passed in the forty-seventh year of Her Majesty's reign and chaptered 57, intituled, *An Act to Incorporate the Town of Port Arthur*, is hereby declared to have conferred on the corporation of the town of Port Arthur thereby incorporated, all the powers, rights and privileges, so far as they can and may be exercised by it, which incorporated towns in Ontario, separated from their respective counties for municipal purposes, have, enjoy and exercise.

3. Section 157 of chapter 193 of the Revised Statutes of Ontario, 1887, intituled, *An Act respecting the Assessment of Property*, is hereby declared to apply and to have always applied to the municipalities of Shuniah and Neebing and to the town of Port Arthur.

4. Nothing in this Act contained shall affect any action or proceeding now pending.

## SCHEDULE A.

### *Exhibit A.*

Memorandum of agreement made in duplicate this sixth November, A. D., 1885, between the corporation of the municipality of Shuniah of the first part, and the corporation of the municipality of Neebing of the second part;

Whereas, both of the said municipalities were included in the municipality of Shuniah;

And whereas, by an Act of the Province of Ontario, passed in the forty-fourth year of Her Majesty's reign, entitled *An Act to organize the Municipality of Neebing*, the said municipality of Neebing was withdrawn from the said municipality of Shuniah and constituted a body corporate under the name of the corporation of the municipality of Neebing;

And whereas, prior to the passing of the said Act, to wit, in the year of our Lord one thousand eight hundred and seventy-five, the original municipality of Shuniah issued its debentures for the sum of \$35,000, payable in twenty years from the date thereof, with interest payable half-yearly;

And whereas, by an agreement dated the 5th day of October, A. D., 1881, made between the parties hereto, certain terms of settlement between the said parties hereto were agreed upon;

And whereas, the proportion of the said debenture debt of \$35,000, to be borne by each of the parties hereto, was not agreed upon;

And whereas, the parties hereto have agreed to settle the amount of said debenture debt to be assumed by each on the terms and conditions herein contained;

Now therefore, this agreement witnesseth as follows:—

The said party of the second part for itself and its successors assumes the payment of ten thousand five hundred dollars of the said debenture debt from the date of the issue of the said debentures, together with all interest thereon, and covenants and agrees to save harmless the said party of the first part and its successors from time to time and at all times hereafter from and against all loss, cost, charges, damages, and expenses which the said party of the first part or its successors may at any time hereafter sustain or be put to by reason of the said party of the second part not paying the interest on the said assumed debentures as it falls due from time to time, or not paying the said assumed debentures at the maturity thereof.

And the said party of the first part for itself and its successors agrees to save harmless the said party of the second part and its successors from time to time and at all times hereafter from and against all loss, cost, charges, damages, and expenses which the said party of the second part or its successors may at any time hereafter sustain or be put to by reason or on account of the said party of the second part having to pay the interest or any other of the said debentures, other than the said \$10,500 so assumed by them, or having to pay more of the said debentures than the \$10,500 so assumed.

All moneys heretofore paid by either of the parties hereto on account of said debentures shall be deemed to have been properly paid, and neither party shall claim from the other any amount for any money paid on said account.

Any portion of said agreement dated 5th October, 1881, varying from or inconsistent herewith, is hereby rescinded.

The said party of the second part to pay interest on \$12,500, for the payment due on 1st January, A. D., 1885, and on \$10,500 for the payment due on 1st July, A. D., 1885.



In witness whereof the parties hereto have caused to be affixed hereto their respective seals, and the reeves and clerks of the said corporations have hereunto set their hands.

W. F. DAVIDSON, Reeve,	} L. S. }
W. H. LANGWORTHY, Clerk and Treasurer,	
SIDNEY SIMTH, Reeve,	} L. S. }
W. MCLEAN, Clerk.	

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## SCHEDULE B.

### *Exhibit B.*

Report of committee appointed to meet with a committee of the township municipal council of Shuniah and arrange a basis of settlement of all accounts and matters outstanding between the councils of Shuniah and Port Arthur.

1. Your committee beg to report that in accordance with resolution 6 of the adjourned first meeting of your council, held on the 18th day of January, 1886, they have been in communication with a committee appointed by the council of Shuniah, at the seventh meeting of the twelfth council of the said municipality, held on the said 18th day of January, 1886, in regard to the adjustment and settlement of all accounts and matters in question between the two municipalities.

2. That the joint committee of the said municipalities appointed as aforesaid at a meeting thereof, held on Tuesday, the 6th day of February, 1886, appointed by resolution a sub-committee, composed of W. F. Davidson, reeve of Shuniah, George T. Marks, chairman of committee of finance of Port Arthur, and W. H. Langworthy, clerk and treasurer of both municipalities, to investigate the said accounts and matters in question and to report thereon to the said committee.

3. That the said sub-committee having gone fully into the questions at issue, have presented to the said committees a report thereon, which report has been adopted by the respective committees, both separately and jointly.

4. That your committee now recommend to the council, that the said report, which has been adopted by them, be received, confirmed, and adopted by the council, a copy of which is attached hereto and embodied in and made part of this report.

[Signed]

GEO. H. MACDONELL,  
Chairman of the Committee.

Port Arthur, April 9th, 1886.

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### *Settlement between the Municipality of Shuniah and Port Arthur.*

The sub-committee composed of Messrs W. F. Davidson, reeve of Shuniah, George T. Marks, chairman of the finance committee of the corporation of the town of Port Arthur, and

W. H. Langworthy, clerk and treasurer of both the said municipalities, appointed jointly by the settlement committees of the councils of Shuniah and Port Arthur, beg to report as follows:—

1. That the debenture debt of the original municipality of Shuniah is \$35,000 with accrued and unpaid coupon interest thereon to January 1st, 1886, \$3,675 and overdue interest thereon to March 1st, 1886, as per Mr. J. H. Mason's letter of January 26th, 1886, of \$187.18 as follows:

Debentures .....	\$35,000 00
Coupons due January 1st, 1885 .....	1,225 00
do. July 1st, 1885 .....	1,225 00
do. January 1st, 1886 .....	1,125 00
Overdue interest on coupons to March 1st, 1886 .....	187 18
	<hr/>
	\$38,862 18

2. That the municipalities of Shuniah and Neebing having arranged a settlement as to the proportions to which each municipality is to be liable for the original debenture debt which is as follows:—

Shuniah, .....	\$24,500 00
Neebing, .....	10,500 00
	<hr/>
	\$35,000.00

Each of said municipalities of Shuniah and Neebing to pay the overdue interest and arrange for the sinking fund on such debentures in like proportions, save and except that the municipality of Neebing has to pay such proportion of the coupon interest (together with overdue interest thereon), due January 1st, 1885, which will be represented by the sum of \$12,500 instead of \$10,500, which would shew amount due for coupons as follows:—

Shuniah .....	\$2,502 50		
Neebing .....		\$1,172 50	
Interest on coupons overdue to March 1st, '86 .....			187 18
Shuniah .....	124 68		
Neebing .....		62 50	
	<hr/>	<hr/>	<hr/>
	\$2,627 18	\$1,235 00	\$3,862 18

3. That according to the said settlement between the municipalities of Shuniah and Neebing, the proportions of the said debenture debt, interest, overdue interest and sinking fund, for which the joint municipalities of Shuniah and Port Arthur are liable, will be as follows:—

Debenture debt .....	\$24,500 00
Coupons overdue .....	\$2,502 50
Interest thereon .....	124 68
	<hr/>
	2,627 18
	<hr/>
	\$27,127 18

4. That of the said last mentioned amounts, the apportionment of said debt between the municipalities of Shuniah and Port Arthur, according to the last revised assessment roll of Shuniah, prior to the separation of said muni-

icipalities on the incorporation of the town of Port Arthur, is as follows :—

Total assessment .....	\$386,062 00
Assessment on lands taken into Port Arthur..	\$266,336 00
Port Arthur's proportion of debenture debt on assessment.....	\$17,000 00
Shuniah's proportion of debenture debt on assessment.....	7,500 00
	—————\$24,500 00

Coupons due January 1st, July 1st, 1885,  
and Jan. 1st, 1886.

Port Arthur.....	\$1,736 43
Shuniah, .....	766 07
	—————\$2502 50

Interest on overdue coupons :

Port Arthur,.....	\$86 51
Shuniah.....	38 17
	\$124 68

or

\$27,127 18

Liabilities of Port Arthur, for debentures.	\$17,000 00
do. Shuniah, .....	\$7,500 00
Coupon interest .....	1,736 43
Interest on overdue coupons.....	86 51
	—————766 07
	—————\$18,822 94
	\$8,304 24

Total .....

\$27,127 18

5. That the interest paid by Shuniah on September 27th, 1884, \$786 for her proportion of coupon interest, due July 1st, 1884, of \$1,225, be apportioned as follows :

Shuniah.....	240 61
Port Arthur .....	545 39
	—————786 00

and that Port Arthur do now pay to the municipality of Shuniah, the sum of \$599.64, being for interest paid as above. ....

Interest on above amount to March 1st, 1886 .....

545 39

54 25

—————599 64

6. That each of the said municipalities of Shuniah and Port Arthur shall assume the sinking fund on their respective portions of the said debenture debt as follows.

Shuniah.....	\$7,500 00
Port Arthur.....	17,000 00

which should have accrued, or may hereafter accrue, on said proportions of the said debt, and that the respective municipalities indemnify each other against all charges which may arise for the non-payment of the said debenture debt or interest thereon.

7. That Messrs. Roaf & Roaf's account of \$324.90, for defending suits of Western Assurance Company, and which still remains unpaid, shall be apportioned as follows :—

Shuniah.....	\$99 46
Port Arthur.....	225 44

—————\$324 90

8. That the notes issued by the municipality of Shuniah for water frontages granted to the Canadian Pacific Railway Company, and which were afterwards paid by the municipality of Port Arthur, and the interest thereon, both of which notes and interest appear at the debit of the municipality of Shuniah in the books of the corporation of Port Arthur, be assumed by the said municipality of Port Arthur only, and that the amount of the said account be credited to the said municipality of Shuniah in the said books of the corporation of Port Arthur, viz., for purchase from

Hon. J. C. Aikins.....	\$1,000 00	
"    John Catto.....	1,000 00	
"    C. P. Brown.....	1,000 00	
	<hr/>	\$3,000 00
Interest thereon.....		89 76
F. S. Nugent.....	1,000 00	
Interest thereon.....		136 79
D. F. Burk.....	1,000 00	
	1,000 00	
	1,000 00	
	1,000 00	
	<hr/>	4,000 00
Interest thereon.....		226 82
W. H. Laird.....		1000 00
Interest thereon.....		55 44
G. T. Marks.....	1,000 00	
	1,000 00	
	<hr/>	2,000 00
Interest thereon.....		110 88
Thomas Marks.....	264 00	
	500 00	
	<hr/>	764 00
Interest thereon.....		42 68
		<hr/>
		\$12,426 37

9. That the amount paid J. D. Ronald by the corporation of Port Arthur, in connection with steam fire engine and charged to the municipality of Shuniah in the books of Port Arthur, be assumed by Port Arthur, and that the said amount of \$4,619.76 be credited to the account of the municipality of Shuniah as it now stands in the books of Port Arthur.

10. That the sum of \$175.00 charged to the municipality of Shuniah in the books of Port Arthur for amount paid Ontario Bank for balance of overdrawn account of Public School trustees, be credited to the municipality of Shuniah in the said books.

11. That the sum of \$35.31, for sundry disbursements made by Port Arthur on account of Shuniah and charged to said account, be credited as aforesaid to account of the municipality of Shuniah.

12. That the following appliances in connection with the fire department be transferred to Port Arthur:—

Hand engine, hose, etc., valued at...	\$1,000 00
Amount paid by Shuniah to J. D.	
Ronald on account Steamer....	1,350 00
Building valued at.....	2,000 00
	<hr/>
	\$4,350 00

12a. That all arrears of taxes at July 1st, 1883, and now remaining unpaid, on the north and south wards of Prince Arthur's Landing and on such other lots as are now embraced in the town of Port Arthur, and amounting to \$3,450.03, be transferred to Port Arthur.

13. That all streets, roads, crossings, sidewalks, and all permanent and other improvements shall become the property and belong to the respective municipalities in which they are situated.

14. That the sum of \$3,400.36 shall be paid to the municipality of Shuniah by the corporation of the town of Port Arthur in full discharge and settlement of all outstanding accounts between the two municipalities, such amount to be exclusive of and over and above the items of \$599.64 and \$225.44 mentioned in clauses 5 and 6 of this report.

15. That the Clerk be instructed to furnish the municipality of Neebing with a statement of her proportion of the debenture debt, coupon interest and overdue interest thereon, amounting to \$11,735.00 as per this report.

16. That if it is deemed expedient then that the municipalities of Shuniah and Neebing be requested to join with Port Arthur in procuring legislation to legalize the settlement between Shuniah and Neebing, dated the 6th day of November, 1885, and this settlement.

17. That an agreement be drawn to this effect, and the same be ratified by the Councils of both municipalities, and that a copy of this report be a portion of said agreement.

W. F. DAVIDSON, *Reeve of Shuniah.*

GEORGE T. MARKS, *Chairman of Finance P. A.*

W. H. LANGWORTHY, *Clerk.*

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### SCHEDULE C.

This indenture, made in triplicate this twenty-third day of August, one thousand eight hundred and eighty six, between the corporation of the town of Port Arthur, of the first part, the corporation of the municipality of Shuniah, of the second part, and the corporation of the municipality of Neebing, of the third part.

Whereas, the territorial limits of the several corporations parties hereto comprised originally the territorial limits of and was the municipality of Shuniah, incorporated by the Act of the Ontario Legislature, being chapter 50 of the 36th Victoria ;

And whereas, by the Act of the said Legislature, being chapter 43 of 44th Victoria, the corporation of the municipality of Neebing was organized out of the said municipality of Shuniah, and by that Act formed into a separate municipality ;

And whereas, by another Act of the said Legislature, being 47th Victoria, chapter 58, the town of Port Arthur was incorporated also out of part of the said municipality of Shuniah ;

And whereas, the said corporation of the municipality of Shuniah, prior to the formation thereof of the said corporation of Neebing, incurred liability and issued its debentures to the extent of thirty-five thousand dollars, hereinafter mentioned, for which debentures the parties hereto are still jointly and severally liable to the holders thereof ;

And whereas, under the provisions of the said Act of 44th Victoria, the corporations of Neebing and Shuniah, in pursuance of the sections numbered from 50 to 60 of the then Municipal Act, mutually agreed as to the several proportions of the said debenture-debts of the said original municipality of Shuniah, which should be paid by each respectively, to wit: twenty-four thousand five hundred dollars by the said municipality of Shuniah, and ten thousand five hundred dollars by the said municipality of Neebing ;

And whereas, the corporation of the town of Port Arthur, in pursuance of its said Act of incorporation, agreed with the municipality of Shuniah as to the apportionment between them of the property, assets, debts, liabilities and obligations of the municipality of Shuniah ;

And whereas, the terms of agreement between the said municipalities of Shuniah and Neebing are embraced in a memorandum of agreement, made the sixth day of November, one thousand eight hundred and eighty-five, under the respective seals of the said municipalities, and the hands of their respective Reeves and clerks, whereby it appeared that the debt of the original municipality of Shuniah was wholly composed of a debenture debt of thirty-five thousand dollars, payable as in the said agreement mentioned, and whereby it appeared that of that debt the corporation of the municipality of Neebing assumed the payment of ten thousand five hundred dollars, as set out in the said memorandum, a copy whereof, marked exhibit "A," is hereto attached ;

And whereas, the corporation of the town of Port Arthur and the municipality of Shuniah, in pursuance of the said Act of incorporation of the town of Port Arthur, duly appointed a committee, composed of William Frederick Davidson, the reeve of Shuniah, George Thomas Marks, the chairman of the committee of finance of Port Arthur, and William Howard Langworthy, the clerk and treasurer of both the said municipalities, to arrange a basis of apportionment between the said municipalities of the property, assets, debts, liabilities and obligations of the municipality of Shuniah, and the said committee did, on the 9th day of April, one thousand eight hundred and eighty-six, report to the said municipalities in the terms set out in their report, a copy whereof is hereunto annexed, marked exhibit "B" ;

And whereas, the respective councils of the town of Port Arthur and the municipality of Shuniah concurred in and adopted the said report ;

And whereas, it is expedient that the terms of the said memorandum of agreement, made between the municipalities of Shuniah and Neebing, and of the said report of the said committee, should be by these presents formally ratified and confirmed by the several municipalities parties hereto.

Now, this indenture witnesseth as follows, namely :

The corporation of the municipality of Shuniah, party hereto of the second part, and the corporation of the municipality of Neebing, party hereto of the third part, covenant and agree

the one with the other that the proportions of the said debenture debt of the original municipality of Shuniah should be assumed and paid as between themselves in the proportions mentioned in the said memorandum, namely, ten thousand five hundred dollars thereof, together with the interest thereon from the first day of January, one thousand eight hundred and eighty-five, by the said municipality of Neebing, and the balance of the said debenture debt, being twenty-four thousand five hundred dollars, together with the interest thereon, by the said municipality of Shuniah; and the said municipalities of Neebing and Shuniah do hereby severally ratify and confirm the terms of the said memorandum of agreement in all other respects.

And the corporation of the town of Port Arthur, party hereto of the first part, and the corporation of the municipality of Shuniah party hereto of the second part, covenant and agree, the one with the other, that the proportions of what remained of the said debenture debt of the original municipality of Shuniah, being the said original amount thereof, after deducting the proportion thereof assumed as aforesaid by the said municipality of Neebing, should be assumed and paid as between them, the said municipalities of Port Arthur and Shuniah, in the proportions mentioned in the said report of the said committee, namely, seventeen thousand dollars by the said corporation of Port Arthur, with the interest mentioned in the said report, and the balance of the said debenture debt, being seven thousand five hundred dollars, together with interest thereon, also in the said report mentioned, by the said municipality of Shuniah; and the said corporation of Port Arthur and the municipality of Shuniah do hereby severally ratify and confirm the terms of the said report in all other respects.

And further, it is hereby witnessed that the said several municipal corporations parties hereto, severally covenant and agree, the one with the other, and others of them, that they are severally satisfied with the said agreements, and will cause to be taken all proper and requisite means to have the several agreements in these presents contained ratified, legalized and confirmed by the Legislature of the Province of Ontario in such manner and form and at such time as the said several corporations parties hereto may be by their counsel or solicitors respectively advised.

And these presents further witness that the said municipal corporations parties hereto covenant, the one with the other or others of them, that they shall do and take all lawful measures and adopt all reasonable means to effect such an arrangement with the holders for the time being of the said debentures, to issue such substitutional debentures therefor of the several said municipalities as will leave the said several municipalities liable only to the said holders for the amounts for which, as between the said municipalities themselves they are severally by the said hereinbefore recited agreement and these presents liable.

As witness the hands of the mayor of the said corporation of the town of Port Arthur, and of the several Reeves of the said other corporations parties hereto, and the hands of the several

clerks of the said municipalities, and the several corporate seals thereof hereto attached.

Signed, sealed and delivered }  
 in the presence of }  
 (Sd.) A. S. WINK. }

(Sd.) GEO. H. MACDONELL,  
 Mayor.

(Sd.) W. H. LANGWORTHY,  
 Clerk.



(Sd.) W. F. DAVIDSON,  
 Reeve

(Sd.) W. H. LANGWORTHY,  
 Clerk.



(Sd.) SYDNEY SMITH,  
 Reeve.

(Sd.) W. McLEAN,  
 Clerk.







No. 4.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act respecting the Town of Port Arthur and the Municipalities of Shuniah and Neebing.

*Reprinted as amended by Private Bills Committee.*

First Reading, 15th February, 1888.

(Private Bill.)

MR. CONNELL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to consolidate the debenture debt of the Town  
of Wingham.

**W**HEREAS, the corporation of the town of Wingham, in Preamble.  
the county of Huron, have by their petition represented  
that they have incurred debts and liabilities for the purpose of  
giving bonuses to railways and for public improvements to the  
5 extent of \$36,500, for which amount debentures of the said  
town have, from time to time, been issued under the authority  
of various by-laws; and that the said corporation are also  
liable under agreement with the corporation of the township  
of Turnberry, in the said county of Huron, to pay a certain pro-  
10 portion of debentures issued by the said township of Turnberry  
before the incorporation of the said town of Wingham, and  
when the territory now composing the said town formed part  
of the said township which said proportion of the said debentures  
so payable by the said town of Wingham, amounts to  
15 \$2,632, making a total debenture indebtedness of \$39,132, a  
large proportion of which will fall due in the ensuing and two  
following years; and whereas, the sinking fund required by the  
said several by-laws has not been levied in every year, and there  
is only the sum of \$1,400 which can be applied in reducing the  
20 said debentures, whereby the rates now required for such redemption  
would for the future be oppressive, for which reason and  
upon other grounds the said corporation have prayed that the  
said debt may be consolidated, and that they may be authorized  
to issue debentures for the purpose of discharging such indebted-  
25 ness; and whereas, it is expedient to grant the prayer of  
the said petition:

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

30 **1.** The said debts of the corporation of the town of Debts consoli-  
Wingham are hereby consolidated at the sum of \$37,732, and dated at the  
it shall be lawful for the said corporation of the town of sum of  
Wingham to raise by way of loan upon the credit of the \$37,732.  
debentures hereinafter mentioned, and by this Act authorized  
35 to be issued from any person or persons, body or bodies cor-  
porate or politic, either in this Province, or in Great Britain,  
or elsewhere, who may be willing to lend the same a sum of  
money not exceeding \$37,732 of lawful money of Canada.

**2.** It shall be lawful for the said corporation of the town Authority to  
40 of Wingham to pass a by-law, or from time to time to pass by- pass by-laws  
laws authorizing a loan or loans not exceeding in all the sum for issuing  
of \$37,732, and further authorizing the issuing of debentures debentures.  
therefor in accordance with this Act, and to impose in and by

said by-law or by-laws a special rate per annum on the whole ratable property of the said municipality, to be called "consolidated loan rate," over and above and in addition to all other rates to be levied in each year, which said consolidated loan rate shall be duly levied in each year, and shall be made sufficient to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal of the lastly mentioned debentures when the same shall fall due. 5

Assent of electors to by-laws not required.

Rev. Stat. c. 184.

3. It shall not be necessary to obtain the assent of the electors of the said town of Wingham to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*. 10

Debentures may be issued to the amount of \$37,732.

4. It shall be lawful for the municipal council of the said corporation of the said town of Wingham after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation from time to time as occasion may require, under the corporate seal signed by the mayor and countersigned by the treasurer and clerk of the said town, for the time being, for such sums not exceeding in the whole the sum of \$37,732, as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum, payable yearly or half-yearly as the said council shall determine. 15

Payment of debentures and interest.

5. The said debentures shall be payable in not more than forty years from the date thereof, as the said corporation may direct, and the principal sum secured thereby and the interest accruing thereon, may be payable either in this Province, or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada as the corporation may deem expedient. 25

Application of debentures.

6. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the now outstanding debentures of the said town of Wingham, and in the payment of the proportion of the said township of Turnberry debentures, for which the said corporation is liable and in no other manner and for no other purpose whatever, and such debentures may be known as the "consolidated debt debentures." 35

Outstanding debentures may be called in.

7. The treasurer of the said town shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with the funds raised under the preceding sections of this Act, or may with the like consent substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures. 40

By-laws not to be repealed until debt satisfied.

8. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. 50

9. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund created under this Act in the redemption of the said outstanding debentures of the said town, or in the redemption of the debentures issued under the authority of this Act, or in Government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate but not to any greater extent than two-thirds of the assessed value of such real estate, or in any other securities authorized by any Act or Acts now or hereafter to be in force in regard to the same or that may be sanctioned by the Lieutenant-Governor in Council, or may deposit the same in any chartered bank or banks of the Dominion of Canada that the council may from time to time approve.

10. The debentures issued under this Act may be in the form contained in the Schedule A to this Act, and the by-law or by-laws authorizing the same, and for the special rate for payment of interest, and to form a sinking fund may be in the form of Schedule B to this Act.

11. No irregularity in the form either of the said debentures to be issued under this Act, or of the by-law authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest or any or either of them or any part thereof.

## SCHEDULE A.

### CONSOLIDATED DEBT DEBENTURES.

Province of Ontario, ) Under, and by virtue of an Act  
 30 Town of Wingham, ) entitled "An Act to consolidate the  
 County of Huron. ) debenture debt of the town of Wing-  
 ham," passed in the fifty-first year of Her Majesty's reign and  
 chaptered , the corporation of the town of Wingham  
 promise to pay the bearer at , the sum of  
 35 on the day of , one thousand hundred  
 and , and the coupons for interest thereon  
 hereto attached as the same shall severally become due.

Dated at Wingham, Ontario, this day of , A.D.  
 18 .

40

## SCHEDULE B.

By-law number to authorize the issue of debentures under the authority of an Act to consolidate the debenture debt of the town of Wingham, passed in the fifty-first year of Her Majesty's reign, chaptered , and to impose a special rate for the payment of the said debentures.

Whereas, the said Act authorizes the issue of debentures for the purpose therein mentioned, to be known as "consolidated

debt debentures," not exceeding the sum of thirty-seven thousand, seven hundred and thirty-two dollars in the whole, as the corporation of the town of Wingham may direct;

And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$                    payable on the                    day of                    , with interest thereon at the rate of                    per cent. per annum payable                    yearly according to the coupons to the said debentures attached;

And whereas, the said Act requires for payment of the debentures to be issued thereunder that the council shall impose a special rate which shall be sufficient to pay the sums falling due annually for interest on said debentures, and to provide a sinking fund for the due payment of the principal thereof, and it will require the sum of                    to be raised annually for the said interest and sinking fund;

And whereas, the amount of the whole ratable property of the town of Wingham, according to the last revised assessment roll of the said town, being for the year one thousand                    hundred and                    was                    ;

Therefore, the municipal corporation of the town of Wingham hereby enacts as follows:

1. That debentures under the said Act and for the purpose therein mentioned, to be known as "consolidated debt debentures" to the extent of the sum of                    , are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at a rate of                    per cent. per annum payable                    yearly on the                    day of                    in each year.

3. That for the purpose of forming a sinking fund for the payment of the said debentures and for the interest at the rate aforesaid to become due thereon, the sum of                    shall over and above and in addition to all other sums or rates be raised, levied and collected in each year, upon all ratable property in the said town of Wingham during the continuance of the debentures or any of them.

This by-law passed in open council this                    day of                    in the year of our Lord one thousand                    hundred and                    .



BILL.

An Act to consolidate the debenture debt  
of the Town of Wingham.

First Reading: \_\_\_\_\_, 1888.

(Private Bill.)

Mr. ROSS,  
(*Huron.*)



An Act to vest in Emily Rebecca Winstanley, the Fee Simple of Certain Lands and Premises.

**W**HEREAS, Emily Rebecca Winstanley, of the city of <sup>Preamble.</sup> Toronto, in the county of York, married woman, has by her petition represented that Richard Brewer, late of the said city of Toronto, merchant, deceased, died at the said city, in or  
 5 about the year 1854, after having first made and published his last will and testament in writing duly executed, and sufficient for all the purposes thereof, bearing date the 26th day of October, 1852, which said last will and testament is in the words and figures following, that is to say:—

10 “In the name of God, Amen.

“I, Richard Brewer, of the city of Toronto, and Province of  
 “Canada, merchant, do make and publish this my last will and  
 “testament in words and manner following, that is to say, I  
 “hereby revoke all former wills. I give and bequeath to my  
 15 “wife Charlotte, all the household furniture, books, pictures,  
 “china, linen, and other goods and chattels which I may die  
 “possessed of, for her use and benefit during the natural period  
 “of her life, and after her death to my daughters, Martha  
 “Louisa and Emily Rebecca, share and share alike; I also give  
 20 “and bequeath unto my wife Charlotte, all the freehold and  
 “leasehold property which I may be possessed of at the time  
 “of my death, to the intent and purpose only that she may  
 “take the rents and profits arising therefrom for her use and  
 “benefit and for the maintenance and education of my chil-  
 25 “ren till they become of age, or get married, after which my  
 “said wife shall have two hundred and fifty pounds per annum,  
 “and the freehold property I own on Jarvis street, during the  
 “period of her natural life; all above the two hundred and  
 “fifty pounds per annum and the rents and profits of the free-  
 30 “hold property on Jarvis street, to be divided equally among  
 “my children so soon as they become of age or settled by  
 “marriage, provided the property is all unencumbered, but if  
 “there are any debts owing upon the said freehold and lease-  
 “hold property, then my said wife and executors to have the  
 35 “whole rents and profits of said property till such debts are  
 “liquidated, and after such liquidation then my children to  
 “come in for the above-named portion either at marriage or  
 “when they may be of age, and after the death of my said wife  
 “I direct the said freehold and leasehold property to be  
 40 “for the benefit of my son, Richard Trevine, and my daughters,  
 “Martha Louisa and Emily Rebecca, their heirs and assigns,  
 “to be divided in manner following, that is to say: for my  
 “son Richard Trevine, the leasehold property I own from the  
 “city of Toronto, namely, lot No. three, in the St. Lawrence

" block, with the building upon it, with all the privileges of  
 " the said lease, and that he shall not have power to dispose of  
 " the same only by will and testament. The leasehold property  
 " I hold on the corner of Yonge and Adelaide streets in this city,  
 " with all the privileges of said leases, I direct for the benefit 5  
 " of my daughters, Martha Louisa and Emily Rebecca, their  
 " heirs and assigns, share and share alike, and that they shall  
 " not dispose of the same only by will and testament. The  
 " freehold property I hold at present on Jarvis street in this  
 " city, to be divided in two lots, from Jarvis street to Mutual 10  
 " street, the lot with the house to be given to Martha  
 " Louisa to hold for her benefit during her natural life,  
 " and to dispose of the same by will and testament only,  
 " the remaining lot, thirty-five feet wide, on Jarvis, running  
 " through to Mutual street, I bequeath to my daughter Emily 15  
 " Rebecca, and that she shall not dispose of the same only by  
 " will and testament, and if either my said daughters shall  
 " depart this life without leaving issue, then and in such  
 " case the survivor shall be possessed of the share of the de-  
 " ceased sister. I also direct that the executors appointed by 20  
 " me in this will, shall keep the said freehold and leasehold  
 " property insured against fire, in some one or more good offices  
 " in this Province, and should any portion of said property be  
 " burned down or be otherwise injured by fire, they shall get the  
 " same repaired or rebuilt forthwith, all said insurances to be 25  
 " paid out of the rents of said property. I also give and  
 " bequeath to my said wife the amount I own at present in  
 " the business carried on under the style and firm of Brewer,  
 " McPhail & Co., for her use and benefit during the period  
 " of her natural life, but that I direct that she shall not 30  
 " use any part of the principal, but only the interest of the  
 " same, except it be to pay for property of mine which I may  
 " owe debts upon at the time of my decease, and if it should  
 " require the amount I have in said business to clear the said  
 " freehold and leasehold property from debts and encumbrances, 35  
 " I direct that it shall be used for that purpose, and the amount  
 " be paid by Edward and Robert McPhail as soon as possible,  
 " for that purpose, and if not all required for that purpose, the  
 " balance to be laid out in the purchase of real estate in this  
 " city, and divided equally between my children, which property 40  
 " shall not be disposed of except by will and testament, or if  
 " either die without issue, then her or his share to be given to  
 " the surviving child or children of mine. I also give and  
 " bequeath to my said wife, the money arising from the policy  
 " of life insurance in the National Loan Fund Life Assurance 45  
 " Society, of which W. C. Cross is agent in this city, to be used  
 " in the same manner as the amount from the business of  
 " Brewer, McPhail & Co., above described, namely, for the  
 " liquidation of debts on said property, or for the purchase of  
 " real property for my children with the above provision not 50  
 " to dispose of the same during life, and should all my child-  
 " dren die without issue, the one-half of the property named in  
 " this will shall go to my step-daughter, share and share alike,  
 " the other half to my brothers and sisters, share and share  
 " alike, or should my father and mother be alive at the time this 55  
 " provision is made, I direct that said half the proceeds of said  
 " property as long as they shall live, and then the said half to  
 " go to my brothers and sisters aforesaid, and should it be  
 " necessary to sell any portion of the above named property to

“clear the remainder of debts, I fully authorize my executors  
 “to do so. I do hereby nominate and appoint Robert James,  
 “Esquire, of the city of Toronto, and Ezekiel Francis Whittle-  
 “more, of the same place, merchant, executors, and my wife  
 5 “Charlotte, executrix, of this my last will and testament.

“In witness whereof, I, the said Richard Brewer, have here-  
 “unto set my hand and affixed my seal this twenty-sixth day  
 “of October, in the year of our Lord, one thousand eight hun-  
 “dred and fifty-two.”

10 Signed, sealed and delivered by the said }  
 Richard Brewer, as and for his last }  
 will and testament, in presence of }  
 us, who in his presence, and in the } (Sgd.) R. BREWER.  
 presence of each other, at his }  
 15 request, have subscribed our names } (L.S.)  
 as witnesses hereto. }

(Sgd.) { JAMES SPENCER.  
 { JOHN R. FLOCK.

That at the time of the death of the said Richard Brewer,  
 20 he the said Richard Brewer was seised in fee simple of the  
 property described in his said last will and testament as “the  
 freehold property I hold at present on Jarvis street,” which  
 said premises are more particularly known and described as  
 follows: All and singular that certain parcel or tract of land  
 25 and premises situate lying and being in the city of Toronto, and  
 being composed of part of park lot number six, in the first con-  
 cession from the bay, formerly township of York (now city of  
 Toronto,) and being a part of lot number eleven on the west  
 side of Jarvis street, according to a plan or survey of said park  
 30 lot number six, made by John G. Howard, D.P.L.S., which said  
 parcel or tract of land is butted and bounded as follows, that  
 is to say: commencing at the southern boundary of that por-  
 tion of said lot number eleven, conveyed to Kate Turner Howitt  
 by deed bearing date the third day of March, one thousand  
 35 eight hundred and eighty-two, and being at the distance of  
 eight hundred and four feet and three inches, more or less,  
 southerly from the intersection of Gerrard and Jarvis streets;  
 thence in a south-easterly direction along the west side of  
 Jarvis street, thirty-five feet, more or less, to the southerly  
 40 limit of said lot number eleven; thence south seventy-four  
 degrees west along the southerly limit of said lot number  
 eleven to Mutual street; thence northerly parallel to Jarvis  
 street, thirty-five feet, more or less, to the southerly limit of  
 the said land conveyed to Kate Turner Howitt; thence easterly  
 45 along the southern boundary of said land conveyed to Kate  
 Turner Howitt, two hundred and thirty-five feet, more or less,  
 to the place of beginning. That Charlotte Brewer, widow of  
 the said Richard Brewer, deceased, died on or about the 10th  
 day of August, A.D. 1881; that Martha Louisa Brewer, men-  
 50 tioned in the said will, daughter of the said Richard Brewer,  
 died leaving no issue her surviving; that the petitioner, Emily  
 Rebecca Winstanley, is Emily Rebecca, daughter of the said  
 Richard Brewer, and the devisee of the above particularly  
 described lands. That upon negotiating for the sale of the  
 55 above mentioned lands and premises, it was objected that the  
 said Emily Rebecca Winstanley is able to dispose of the said  
 lands and premises only by her last will and testament. That

the said Emily Rebecca Winstanley has issue, all of whom are of the full age of twenty-one years, and consent to this Act. That the said above mentioned lands and premises are vacant, and no income is or can be derived therefrom whatever, and the taxes thereon have been allowed to fall into arrears; that the said lands and premises are unencumbered. The said Emily Rebecca Winstanley is desirous of obtaining a title in fee simple to the said lands and has prayed for an Act for that purpose; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands vested  
in E. R.  
Winstanley.

1. The said last will and testament of Richard Brewer, late of the city of Toronto, merchant, deceased, bearing date the 26th day of October, 1852, is hereby declared to be effectual and shall be deemed to confer upon and vest in the said Emily Rebecca Winstanley, her heirs and assigns, forever, a good and valid title in fee simple both at law and in equity to the said lands, to all intents and purposes.

Liens on land  
not affected.

2. Nothing in this Act shall be construed to affect any liens (if any) now existing on or against the said lands.



2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to vest in Emily Rebecca Winstanley  
the fee simple of certain lands and  
premises.

First Reading	1888.
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(Private Bill)

Mr. WIDDIFIELD.

An Act to vest in Emily Rebecca Winstanley, the Fee Simple of Certain Lands and Premises.

**W**HEREAS Emily Rebecca Winstanley, of the city of <sup>Preamble.</sup> Toronto, in the county of York, married woman, has by her petition represented that Richard Brewer, late of the said city of Toronto, merchant, deceased, died at the said city, in or  
 5 about the year 1854, after having first made and published his last will and testament in writing duly executed, and sufficient for all the purposes thereof, bearing date the 26th day of October, 1852, which said last will and testament is in the words and figures following, that is to say:—

10 “In the name of God, Amen.

“I, Richard Brewer, of the city of Toronto, and Province of Canada, merchant, do make and publish this my last will and testament in words and manner following, that is to say, I hereby revoke all former wills. I give and bequeath to my  
 15 wife Charlotte, all the household furniture, books, pictures, china, linen, and other goods and chattels which I may die possessed of, for her use and benefit during the natural period of her life, and after her death to my daughters, Martha Louisa and Emily Rebecca, share and share alike; I also give  
 20 and bequeath unto my wife Charlotte, all the freehold and leasehold property which I may be possessed of at the time of my death, to the intent and purpose only that she may take the rents and profits arising therefrom for her use and benefit and for the maintenance and education of my chil-  
 25 dren till they become of age, or get married, after which my said wife shall have two hundred and fifty pounds per annum, and the freehold property I own on Jarvis street, during the period of her natural life; all above the two hundred and fifty pounds per annum and the rents and profits of the free-  
 30 hold property on Jarvis street, to be divided equally among my children so soon as they become of age or settled by marriage, provided the property is all unencumbered, but if there are any debts owing upon the said freehold and lease-  
 35 hold property, then my said wife and executors to have the whole rents and profits of said property till such debts are liquidated, and after such liquidation then my children to come in for the above-named portion either at marriage or when they may be of age, and after the death of my said wife I direct the said freehold and leasehold property to be  
 40 for the benefit of my son, Richard Trevine, and my daughters, Martha Louisa and Emily Rebecca, their heirs and assigns, to be divided in manner following, that is to say: for my son Richard Trevine, the leasehold property I own from the city of Toronto, namely, lot No. three, in the St. Lawrence

block, with the building upon it, with all the privileges of  
 the said lease, and that he shall not have power to dispose of  
 the same only by will and testament. The leasehold property  
 I hold on the corner of Yonge and Adelaide streets in this city,  
 with all the privileges of said leases, I direct for the benefit 5  
 of my daughters, Martha Louisa and Emily Rebecca, their  
 heirs and assigns, share and share alike, and that they shall  
 not dispose of the same only by will and testament. The  
 freehold property I hold at present on Jarvis street in this  
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 street, the lot with the house to be given to Martha  
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 and to dispose of the same by will and testament only,  
 the remaining lot, thirty-five feet wide, on Jarvis, running  
 through to Mutual street, I bequeath to my daughter Emily 15  
 Rebecca, and that she shall not dispose of the same only by  
 will and testament, and if either my said daughters shall  
 depart this life without leaving issue, then and in such  
 case the survivor shall be possessed of the share of the de-  
 ceased sister. I also direct that the executors appointed by 20  
 me in this will, shall keep the said freehold and leasehold  
 property insured against fire, in some one or more good offices  
 in this Province, and should any portion of said property be  
 burned down or be otherwise injured by fire, they shall get the  
 same repaired or rebuilt forthwith, all said insurances to be 25  
 paid out of the rents of said property. I also give and  
 bequeath to my said wife the amount I own at present in  
 the business carried on under the style and firm of Brewer,  
 McPhail & Co., for her use and benefit during the period  
 of her natural life, but that I direct that she shall not 30  
 use any part of the principal; but only the interest of the  
 same, except it be to pay for property of mine which I may  
 owe debts upon at the time of my decease, and if it should  
 require the amount I have in said business to clear the said  
 freehold and leasehold property from debts and encumbrances, 35  
 I direct that it shall be used for that purpose, and the amount  
 be paid by Edward and Robert McPhail as soon as possible,  
 for that purpose, and if not all required for that purpose, the  
 balance to be laid out in the purchase of real estate in this  
 city, and divided equally between my children, which property 40  
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 either die without issue, then her or his share to be given to  
 the surviving child or children of mine. I also give and  
 bequeath to my said wife, the money arising from the policy  
 of life insurance in the National Loan Fund Life Assurance 45  
 Society, of which W. C. Cross is agent in this city, to be used  
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 Brewer, McPhail & Co., above described, namely, for the  
 liquidation of debts on said property, or for the purchase of  
 real property for my children with the above provision not 50  
 to dispose of the same during life, and should all my chil-  
 dren die without issue, the one-half of the property named in  
 this will shall go to my step-daughter, share and share alike,  
 the other half to my brothers and sisters, share and share  
 alike, or should my father and mother be alive at the time this 55  
 provision is made, I direct that said half the proceeds of said  
 property as long as they shall live, and then the said half to  
 go to my brothers and sisters aforesaid, and should it be  
 necessary to sell any portion of the above named property to





the said Emily Rebecca Winstanley has issue, all of whom are of the full age of twenty-one years, and consent to this Act. That the said above mentioned lands and premises are vacant, and no income is or can be derived therefrom whatever, and the taxes thereon have been allowed to fall into arrear; that the said lands and premises are unencumbered. The said Emily Rebecca Winstanley is desirous of obtaining a title in fee simple to the said lands and has prayed for an Act for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands vested  
in E. R.  
Winstanley.

1. The said last will and testament of Richard Brewer, late of the city of Toronto, merchant, deceased, bearing date the 26th day of October, 1852, is hereby declared to be effectual and shall be deemed to confer upon and vest in the said Emily Rebecca Winstanley, her heirs and assigns, forever, all the estate, right, title and interest therein of the said testator in fee simple to the said lands, and it is hereby declared and enacted that notwithstanding any restriction upon alienation contained in the said will, the said Emily Rebecca Winstanley has power to lease mortgage, grant, sell, alien, dispose of and convey the same in whole or in part in as full, ample and effectual a manner as if no such restriction had been imposed.

Liens on land  
not affected.

2. Nothing in this Act shall be construed to affect any liens (if any) now existing on or against the said lands.



2nd Session, 6th Legislature, 51 Vic., 1888.

BILL

An Act to vest in Emily Rebecca Winstanley the fee simple of certain lands and premises.

*(Reprinted as amended by Private Bills  
Committee.)*

First Reading, 17th February, 1888.

(Private Bill)

MR. WIDDIFIELD.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to vest in Emily Rebecca Winstanley, the Fee Simple of Certain Lands and Premises.

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 5 about the year 1854, after having first made and published his last will and testament in writing duly executed, and sufficient for all the purposes thereof, bearing date the 26th day of October, 1852, which said last will and testament is in the words and figures following, that is to say:—

10 “In the name of God, Amen.

“I, Richard Brewer, of the city of Toronto, and Province of Canada, merchant, do make and publish this my last will and testament in words and manner following, that is to say, I hereby revoke all former wills. I give and bequeath to my  
 15 wife Charlotte, all the household furniture, books, pictures, china, linen, and other goods and chattels which I may die possessed of, for her use and benefit during the natural period of her life, and after her death to my daughters, Martha Louisa and Emily Rebecca, share and share alike; I also give  
 20 and bequeath unto my wife Charlotte, all the freehold and leasehold property which I may be possessed of at the time of my death, to the intent and purpose only that she may take the rents and profits arising therefrom for her use and benefit and for the maintenance and education of my chil-  
 25 dren till they become of age, or get married, after which my said wife shall have two hundred and fifty pounds per annum, and the freehold property I own on Jarvis street, during the period of her natural life; all above the two hundred and fifty pounds per annum and the rents and profits of the free-  
 30 hold property on Jarvis street, to be divided equally among my children so soon as they become of age or settled by marriage, provided the property is all unencumbered, but if there are any debts owing upon the said freehold and lease-  
 35 hold property, then my said wife and executors to have the whole rents and profits of said property till such debts are liquidated, and after such liquidation then my children to come in for the above-named portion either at marriage or when they may be of age, and after the death of my said wife I direct the said freehold and leasehold property to be  
 40 for the benefit of my son, Richard Trevine, and my daughters, Martha Louisa and Emily Rebecca, their heirs and assigns, to be divided in manner following, that is to say: for my son Richard Trevine, the leasehold property I own from the city of Toronto, namely, lot No. three, in the St. Lawrence

block, with the building upon it, with all the privileges of  
 the said lease, and that he shall not have power to dispose of  
 the same only by will and testament. The leasehold property  
 I hold on the corner of Yonge and Adelaide streets in this city,  
 with all the privileges of said leases, I direct for the benefit 5  
 of my daughters, Martha Louisa and Emily Rebecca, their  
 heirs and assigns, share and share alike, and that they shall  
 not dispose of the same only by will and testament. The  
 freehold property I hold at present on Jarvis street in this  
 city, to be divided in two lots, from Jarvis street to Mutual 10  
 street, the lot with the house to be given to Martha  
 Louisa to hold for her benefit during her natural life,  
 and to dispose of the same by will and testament only,  
 the remaining lot, thirty-five feet wide, on Jarvis, running  
 through to Mutual street, I bequeath to my daughter Emily 15  
 Rebecca, and that she shall not dispose of the same only by  
 will and testament, and if either my said daughters shall  
 depart this life without leaving issue, then and in such  
 case the survivor shall be possessed of the share of the de-  
 ceased sister. I also direct that the executors appointed by 20  
 me in this will, shall keep the said freehold and leasehold  
 property insured against fire, in some one or more good offices  
 in this Province, and should any portion of said property be  
 burned down or be otherwise injured by fire, they shall get the  
 same repaired or rebuilt forthwith, all said insurances to be 25  
 paid out of the rents of said property. I also give and  
 bequeath to my said wife the amount I own at present in  
 the business carried on under the style and firm of Brewer,  
 McPhail & Co, for her use and benefit during the period  
 of her natural life, but that I direct that she shall not 30  
 use any part of the principal, but only the interest of the  
 same, except it be to pay for property of mine which I may  
 owe debts upon at the time of my decease, and if it should  
 require the amount I have in said business to clear the said  
 freehold and leasehold property from debts and encumbrances, 35  
 I direct that it shall be used for that purpose, and the amount  
 be paid by Edward and Robert McPhail as soon as possible  
 for that purpose, and if not all required for that purpose, the  
 balance to be laid out in the purchase of real estate in this  
 city, and divided equally between my children, which property 40  
 shall not be disposed of except by will and testament, or if  
 either die without issue, then her or his share to be given to  
 the surviving child or children of mine. I also give and  
 bequeath to my said wife, the money arising from the policy  
 of life insurance in the National Loan Fund Life Assurance 45  
 Society, of which W. C. Cross is agent in this city, to be used  
 in the same manner as the amount from the business of  
 Brewer, McPhail & Co., above described, namely, for the  
 liquidation of debts on said property, or for the purchase of  
 real property for my children with the above provision not 50  
 to dispose of the same during life, and should all my chil-  
 dren die without issue, the one-half of the property named in  
 this will shall go to my step-daughter, share and share alike,  
 the other half to my brothers and sisters, share and share  
 alike, or should my father and mother be alive at the time this 55  
 provision is made, I direct that said half the proceeds of said  
 property as long as they shall live, and then the said half to  
 go to my brothers and sisters aforesaid, and should it be  
 necessary to sell any portion of the above named property to

clear the remainder of debts, I fully authorize my executors to do so. I do hereby nominate and appoint Robert James, Esquire, of the city of Toronto, and Ezekiel Francis Whittlemore, of the same place, merchant, executors, and my wife Charlotte, executrix, of this my last will and testament.

"In witness whereof, I, the said Richard Brewer, have hereunto set my hand and affixed my seal this twenty-sixth day of October, in the year of our Lord, one thousand eight hundred and fifty-two."

10 "Signed, sealed and delivered by the  
said Richard Brewer, as and for his  
last will and testament, in presence  
of us, who in his presence, and in  
the presence of each other, at his  
15 request, have subscribed our names  
as witnesses hereto. (Sgd.) R. BREWER.  
(L.S.)

"(Sgd.) { JAMES SPENCER.  
JOHN R. FLOCK." }

That at the time of the death of the said Richard Brewer,  
20 he the said Richard Brewer was seised in fee simple of the  
property described in his said last will and testament as "the  
freehold property I hold at present on Jarvis street," which  
said premises are more particularly known and described as  
follows: All and singular that certain parcel or tract of land  
25 and premises situate, lying and being in the city of Toronto, and  
being composed of part of park lot number six, in the first con-  
cession from the bay, formerly township of York (now city of  
Toronto,) and being a part of lot number eleven on the west  
side of Jarvis street, according to a plan or survey of said park  
30 lot number six, made by John G. Howard, D.P.L.S., which said  
parcel or tract of land is butted and bounded as follows, that  
is to say: commencing at the southern boundary of that por-  
tion of said lot number eleven, conveyed to Kate Turner Howitt  
by deed bearing date the third day of March, one thousand  
35 eight hundred and eighty-two, and being at the distance of  
eight hundred and four feet and three inches, more or less,  
southerly from the intersection of Gerrard and Jarvis streets;  
thence in a south-easterly direction along the west side of  
Jarvis street, thirty-five feet, more or less, to the southerly  
40 limit of said lot number eleven; thence south seventy-four  
degrees west along the southerly limit of said lot number  
eleven to Mutual street; thence northerly parallel to Jarvis  
street, thirty-five feet, more or less, to the southerly limit of  
the said land conveyed to Kate Turner Howitt; thence easterly  
45 along the southern boundary of said land conveyed to Kate  
Turner Howitt, two hundred and thirty-five feet, more or less,  
to the place of beginning. That Charlotte Brewer, widow of  
the said Richard Brewer, deceased, died on or about the 10th  
day of August, A.D. 1881; that Martha Louisa Brewer, men-  
50 tioned in the said will, daughter of the said Richard Brewer,  
died leaving no issue her surviving; that the petitioner, Emily  
Rebecca Winstanley, is Emily Rebecca, daughter of the said  
Richard Brewer, and the devisee of the above particularly  
described lands. That upon negotiating for the sale of the  
55 above mentioned lands and premises, it was objected that the  
said Emily Rebecca Winstanley is able to dispose of the said  
lands and premises only by her last will and testament. That

the said Emily Rebecca Winstanley has issue, all of whom are of the full age of twenty-one years, and consent to this Act. That the said above mentioned lands and premises are vacant, and no income is or can be derived therefrom whatever, and the taxes thereon have been allowed to fall into arrears; that the said lands and premises are unencumbered. The said Emily Rebecca Winstanley is desirous of obtaining a title in fee simple to the said lands and has prayed for an Act for that purpose; and whereas it is expedient to grant the prayer of the said petition to the extent and subject to the conditions hereinafter mentioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

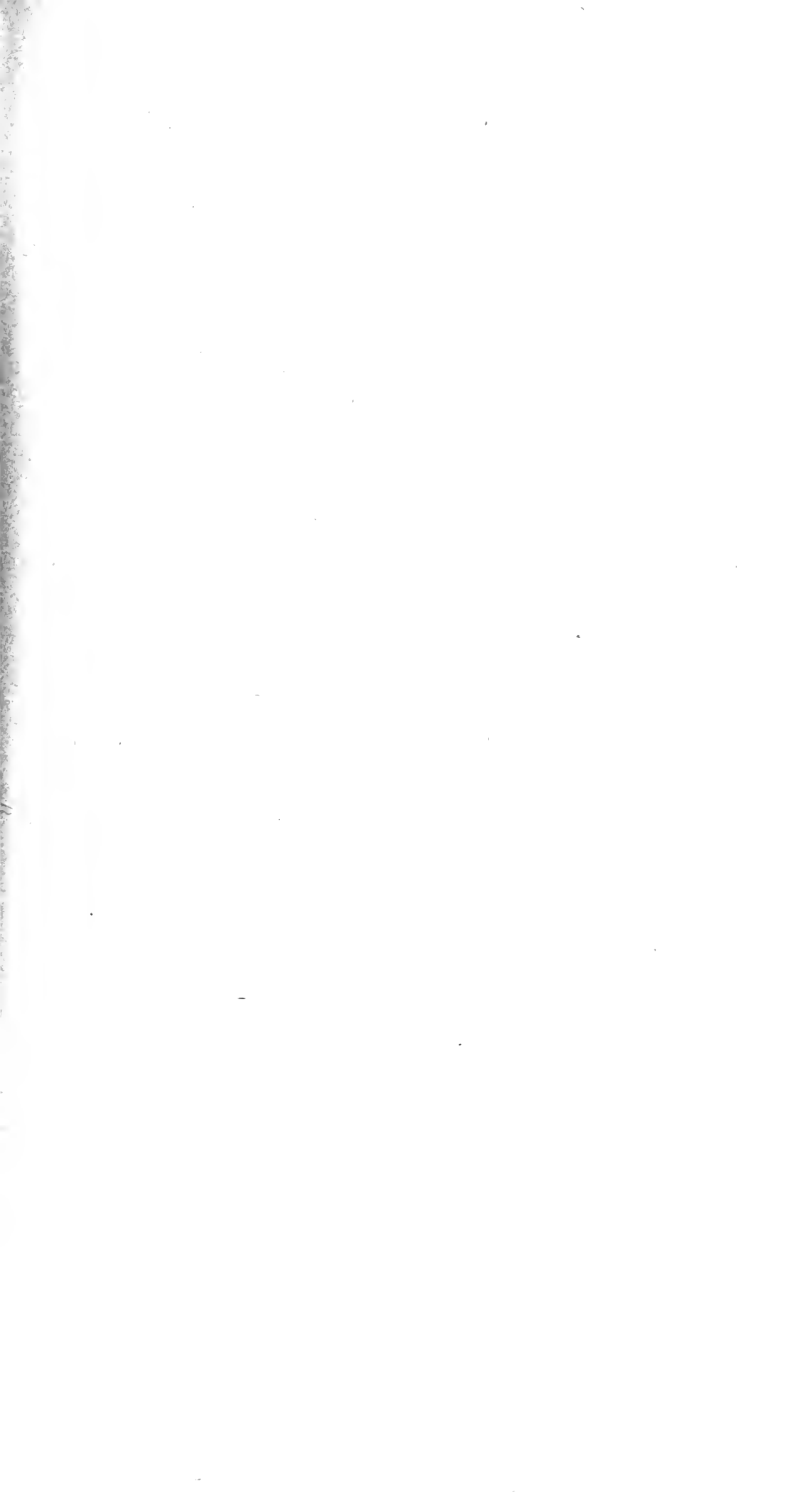
Lands vested  
in E. R.  
Winstanley.

**1.** The said last will and testament of Richard Brewer, late of the city of Toronto, merchant, deceased, bearing date the 26th day of October, 1852, is hereby declared to be effectual and shall be deemed to confer upon the said Emily Rebecca Winstanley the right to sell and convey by deed in fee simple absolutely, the said lands and all the estate, right, title and interest of the said testator therein, either by public auction or private sale, and on such terms of credit or otherwise as she may deem proper, notwithstanding any restriction upon alienation contained in said will; and it is hereby declared that the said Emily Rebecca Winstanley, after deducting from the purchase money any sums which she has paid for taxes, rates and assessments upon or in respect of the said lands, over and above any rents and revenue received by her therefrom, and after deducting also her expenses of and incidental to this Act, shall pay the balance of the purchase money into Court to the joint credit of herself and the Accountant of the Supreme Court of Judicature for Ontario, or of herself and the Official Guardian; or shall invest the same from time to time on first mortgage security on real estate in the Province of Ontario, the mortgage securities to be taken in the joint names of the said Emily Rebecca Winstanley and the said Accountant or Official Guardian, and all interest of said moneys shall be received by or paid to the said Emily Rebecca Winstanley for and during the term of her natural life; and power is hereby given to the said Emily Rebecca Winstanley to dispose of the said purchase moneys by her will and testament in the same manner and to the same extent as she is empowered to do by said will with respect to said lands; and in the event of no such disposition by will being made by the said Emily Rebecca Winstanley, then the said purchase money shall, on her death, go to the parties who would have been entitled to the said lands if no sale had taken place.

Liens on land  
not affected.

**2.** Nothing in this Act shall be construed to affect any liens (if any) now existing on or against the said lands.





No. 6.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to vest in Emily Rebecca Winstanley the fee simple of certain lands and premises.

*(Reprinted as again amended by Committee of Whole House.)*

First Reading, 17th February, 1888.

Second " 16th March, 1888.

(Private Bill)

Mr. WIDDIFIELD.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to confirm a certain Agreement made between the Grand Trunk Railway Company of Canada, the Canada Southern Railway Company, and the London and Port Stanley Railway Company, and a certain Agreement made between the London and South Eastern Railway Company and the Canada Southern Railway Company.

**W**HEREAS, the corporation of the city of London has, by Preamble.  
 its petition, represented that a certain agreement was,  
 on the 21st day of January, 1887, made between the Grand  
 Trunk Railway Company, the Canada Southern Railway Com-  
 5 pany, and the London and Port Stanley Railway Company  
 with respect to the working of a portion of the line of the  
 said last mentioned company, and a certain other agreement,  
 was, on the 1st day of June, 1887, made between the London  
 and South Eastern Railway Company and the Canada Southern  
 10 Railway Company for the working of part of the line of the  
 said the London and South Eastern Railway Company; and  
 that, to remove doubts as to the validity of the said agreement,  
 it is expedient to confirm the same by legislation, and have  
 prayed for the passing of an Act for that purpose; and whereas,  
 15 it is expedient to grant the prayer of the said petition so far  
 as the said matters are within the legislative authority of the  
 Legislature of the Province of Ontario;

Therefore, Her Majesty, by and with the advice and con-  
 sent of the Legislative Assembly of the Province of Ontario  
 20 enacts as follows:—

1. The said agreement, bearing date the 21st day of January, Agreement in  
 1887, made between the Grand Trunk Railway Company, the schedule 1  
 Canada Southern Railway Company, and the London and confirmed.  
 25 Port Stanley Railway Company—a copy whereof is set forth  
 in the schedule numbered 1 to this Act—is hereby confirmed  
 and declared to be binding upon the several parties thereto  
 according to the terms thereof.

2. The said agreement, bearing date the 1st day of June, Agreement in  
 30 1887, between the London and South Eastern Railway Com- schedule 2  
 pany and the Canada Southern Railway Company—a copy confirmed.  
 whereof is set forth in the schedule numbered 2 to this  
 Act—is hereby confirmed and declared to be binding upon the  
 parties according to the terms thereof.

## SCHEDULE No. 1.

This Agreement made this twenty-first day of January, in the year of our Lord 1887.

By and between The London and Port Stanley Railway Company (hereinafter called the Port Stanley Company), of the first part,  
 The Grand Trunk Railway Company of Canada (hereinafter called the Grand Trunk), of the second part, and  
 The Canada Southern Railway Company (hereinafter called the Canada Southern), of the third part.

Whereas, the Port Stanley Company own the railway between Port Stanley and London known as the London and Port Stanley Railway, which is now held under lease by the Grand Trunk ;

And whereas, the Canada Southern desire to connect their line at St. Thomas with the city of London for the purpose of their business ;

And whereas, in order to save the unnecessary expenditure of capital which would be required to build another line of railway between said points, it has been suggested that an arrangement be made for the use of the Port Stanley Company's line between St. Thomas and London, by the Canada Southern, under proper terms and conditions, so as to make said section of the Port Stanley Company's line available for the purposes of the Grand Trunk and Canada Southern respectively ;

And whereas, the Grand Trunk now have a lease of the Port Stanley Company's line, which lease expires on the first day of September which will be in the year of our Lord 1892 :

Therefore, this agreement witnesseth :

That the parties hereto have, and they hereby do severally covenant and agree each with the other as follows, that is to say :—

The plan annexed hereto and marked " A " shall be, and the same is hereby made part of this agreement.

That the Canada Southern may, by means of a proper switch to be approved by the Grand Trunk Engineer, connect their line at St. Thomas with the Port Stanley Company's line at the point shown on the said plan, and marked " A."

That the Canada Southern may also, in like manner, connect the station grounds and terminal accommodation they may acquire or have acquired at the city of London at the point shown on said plan marked " B."

That, on the terms and for the compensation hereinafter mentioned, the Canada Southern Company shall have the right to run their trains over the Port Stanley Company's line between said points " A " and " B " shown on said plan, and operate the same as part of their own railroad, upon the terms and subject to the limitations hereinafter expressed.

That the said switches and the trains passing to and from the premises of the Canada Southern Company, and while on the Port Stanley Company's line, shall be under the control of the Grand Trunk, and operate under the reasonable regulations of that company.

That, in the exercise of these rights, the Grand Trunk passenger trains shall have precedence over all other trains ; the

Canada Southern Company's passenger trains shall have precedence over all freight and mixed trains ; Grand Trunk mixed trains shall have precedence over all mixed and freight trains ; Canada Southern mixed trains shall have precedence over all freight trains ; and Grand Trunk freight trains shall have precedence over all Canada Southern freight trains. But each party will use its best exertions to secure to all the trains and business of the other every facility and all despatch.

The Canada Southern Company shall not do any local business upon the Port Stanley line proper, whether such business be between points upon the said Port Stanley line or coming from London or beyond, or St. Thomas or beyond, to or from places on said Port Stanley line ; but they are not to be excluded from carrying local traffic between the cities of St. Thomas and London.

Inasmuch as local passengers will occasionally take the trains of the Canada Southern Company, it is agreed in such case that such portion of the local fares as the parties shall mutually agree or failing agreement, as may be settled by arbitration, shall be paid over to the Grand Trunk Company.

For the purpose of this agreement the employees of the Grand Trunk Company shall be regarded as the employees of the Canada Southern Company, and the railway of the Port Stanley Company, between St. Thomas and London, as the railway of the Canada Southern Company. And each party hereto assumes for themselves all loss arising from damage or injury from any cause to their passengers, employees, or property, and all liabilities to third persons, arising from their acts or the acts of their employees, the employees of the Grand Trunk Company being, as defined in this clause, the employees of the Canada Southern Company,

That, should the Canada Southern desire it, the Grand Trunk will supply the trains of the said Canada Southern with stores, fuel, and water whilst upon the line of the Port Stanley Company at cost price plus ten per cent. to cover contingencies.

The expense of erecting and working the signals at the points of junction, as shown on said plan, shall be defrayed and paid by the Canada Southern.

That the compensation to be paid by the Canada Southern Company for the use of the line of the Port Stanley Company (which shall be per train mile), and for all the privileges herein or which may hereafter be agreed upon, and the time and modes of payment of the same, shall be settled by agreement between the parties, and, failing agreement, be fixed by arbitration as hereinafter provided ; but any compensation agreed upon or fixed by agreement or arbitration shall, at the request of either party, be subject to re-adjustment in the same manner at the end of five years, and so in each five years so long as this agreement continues : provided, however, that the terms in the first place must be either agreed upon or fixed by arbitration within sixty days after the execution thereof.

The parties hereto agree that in the event of their disagreeing on any matter or thing above mentioned, or as to the construction or meaning of this agreement, any and every such dispute shall, within thirty days of the date of such arising, be referred to Mr. Albert Fink, and any award made by him on any such matter shall be final and binding between the parties hereto, and shall be carried out by both parties.

That in the event of Mr. Albert Fink refusing or being unable to act as arbitrator, the parties hereto will choose some other person to act in that capacity, and should they be unable to agree on some other person to so act within thirty days after such refusal or inability on the part of Mr. Fink, they will unite in an application to the Chief Justice of the High Court of Justice of Ontario to name an arbitrator to act in the place of the said Mr. Albert Fink; and if either party to this agreement does not unite in said application to the Chief Justice of the High Court of Justice of Ontario within thirty days after notice from the other in writing of its desire to have such arbitrator appointed then such application may be made by the party desiring such arbitrator in its own name, and the award by any arbitrator appointed by the said Chief Justice shall be final and binding between the parties hereto, and shall be carried out by both parties.

Whereas, the lease of the Port Stanley line held by the Grand Trunk expires in the year 1892, it is agreed that this contract shall remain in force until that time; and, if the said lease is renewed or a new lease taken by the Grand Trunk, and that they remain in possession of the Port Stanley line, then this agreement to continue so as to make the same an agreement for twenty years from the date hereof on the terms aforesaid.

In witness whereof the parties hereto have hereunto set their hands and seals on the day and year first above mentioned.

(Sgd.) THE LONDON AND PORT STANLEY RAILWAY CO.  
W. BOWMAN, Secretary. Per J. EGAN, President. [Seal.]

(Sgd.) THE GRAND TRUNK RAILWAY CO. OF CANADA.  
Per J. HICKSON, General Manager [Seal.]

(Sgd.) THE CANADA SOUTHERN RAILWAY CO.  
NICOL KINGSMILL, Sec'y. By C. VANDERBILT, President. [Seal.]

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#### SCHEDULE No. 2.

Memorandum of agreement made in duplicate this first day of June, in the year of our Lord one thousand eight hundred and eighty-seven, between the London and South Eastern Railway Company, (hereinafter called the "Eastern Company") of the first part, and the Canada Southern Railway Company (hereinafter called the "Southern Company") of the second part.

Whereas, the Southern Company have secured running power over the line of the London & Port Stanley Railway Company;

And whereas, by the terms of a certain agreement, bearing date March 26th, 1887, it was agreed between the said Eastern and Southern Companies that the said Eastern Company should acquire certain lands in the City of London and Province of Ontario for terminal facilities and free right of way from a point diverging from the line of the London and Port Stanley Railway Company, at Burwell Street, in said city of London to the station or depot of the said Eastern Company, upon lot

No. 5 on the south side of Bathurst street, in said city, and that said Eastern Company should execute and deliver a valid and binding agreement for the use and working of such land and premises and right of way by said Southern Company ;

And whereas, said lands have been acquired and right of way secured by the said Eastern Company.

Now, therefore this indenture witnesseth that, in consideration of the covenants and agreements hereinafter reserved and contained on the part of the said Southern Company, their successors and assigns to be paid, observed and performed, the said Eastern Company hath covenanted and agreed to grant, and by these presents doth grant unto the said Southern Company, their successors and assigns the use and working of all and singular lots numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve on the south side of Bathurst street, lot number thirteen on the east side of Waterloo street, lots numbers fourteen, fifteen and sixteen on the north side of Horton Street, and that part of lot number seventeen on the north side of said Horton street, described as follows, that is to say:—Commencing at the north-east angle of said lot seventeen, thence westerly along the rear of said lot seventeen to the north-west angle thereof; thence southerly along the westerly boundary thereof a distance of fifteen feet; thence north-easterly in a straight line to the said north-east angle and the place of beginning; all of said lots being according to the plan made for the London & Port Stanley Railway Company, and recorded in the registry office for the City of London as Plan No. 175; lots numbers two and three on the south side of Bathurst street aforesaid, and that part of lot number four on the south side of Bathurst street, having a frontage of one hundred and ten feet by a depth of one hundred and sixty-eight feet, and also that part of lot number five on the said south side of Bathurst street, having a frontage thereon of one hundred and ten feet by a depth of one hundred and thirty-eight feet, and the line of railway of said Eastern Company and all the privileges and rights thereto appertaining.

To have and to hold the said premises, the said line of railway of said Eastern Company and all powers and privileges thereto appertaining for and during a term equal to the unexpired term of the lease of the London & Port Stanley Railway Company to the Great Western Railway Company, and afterwards for so long as said Southern Company shall have running privileges over the said London & Port Stanley Railway Company, not exceeding in the whole the period of twenty-one years from the twenty-sixth day of March, one thousand eight hundred and eighty-seven.

And said Southern Company covenants and agrees to pay therefor yearly and every year, during said term, the sum of three thousand dollars, payable on the following days and times, that is to say, in equal half-yearly payments of one thousand five hundred dollars each, on the first days of the months of May and November in each and every year of said term. The first half-yearly payment to be made on the first day of November, one thousand eight hundred and eighty-seven.

The said Southern Company further covenants with the said Eastern Company to pay all taxes, rates, duties and assessments whatsoever, whether municipal, parliamentary or otherwise, which shall hereafter be charged during the continuance of

this agreement upon or against said Eastern Company, or its appurtenances or on account of any of its property, including the current year's taxes.

The said Southern Company shall not, during the said term make any alteration in the location of the stations of said Eastern Company without the consent in writing of said Eastern Company and its mortgagees first had and obtained.

And the said Southern Company further covenants with the said Eastern Company that they will not assign or transfer this Indenture or their rights thereunder, or any of them, without the consent, in writing, of the said Eastern Company.

And the said Southern Company further covenants and agrees to make such arrangements as to train service in the operation of said Port Stanley Railway between St. Thomas and London as will best accommodate the public in the business of the transportation of freight and passengers upon its railroad.

And the said Southern Company covenants with the said Eastern Company to repair. And the said Southern Company will at the expiration or other termination of this agreement, unless it shall purchase the property as provided, peaceably surrender and yield up to said Eastern Company, its successors or assigns the said Eastern Company's line of railway, its property, appurtenances and effects, with all buildings, erections and fixtures thereon placed by said Eastern Company in good and substantial repair and condition.

And the said Southern Company further covenants with the said Eastern Company to pay insurance premiums to an amount not exceeding the sum of one hundred dollars per annum upon a policy or policies of insurance for such amount as shall seem best to said Eastern Company upon the buildings of said Eastern Company upon the said lands.

And it is hereby agreed that the said Southern Company, upon the termination of this agreement, shall be at liberty to remove any rails, switches, ties, iron or other structures or materials placed by them on the said lands or streets over which running powers have been granted, leaving the said streets in good repair, or in the event of the said Eastern Company, its successors or assigns desiring to purchase such rails, switches, ties, iron or other structures or material on the termination aforesaid, they shall have the option of so doing at the price to be agreed upon between the said Eastern Company and said Southern Company, and any disagreement as to price shall be settled by arbitration.

And it is also hereby further agreed that the said Southern Company shall, if all the covenants on its part shall have been kept, have the privilege, at any time within six years from the twenty-sixth day of March, 1887, of purchasing the said lands and the said buildings thereon at a sum not exceeding the actual cost thereof, which is hereby declared to be the sum of \$75,000. And in the event of the said Southern Company purchasing the said lands and buildings, as above provided, then the title thereto shall be vested in them or at the option of the Southern Company in such trustees as they may appoint, and the said Eastern Company will, in consideration of such purchase, transfer and assign to the said Southern Company or to such trustees for them the right to traverse the streets of the city of London, and also such other rights and privileges as have been granted by the corporation of the city of London to the said Eastern Company.



And it is hereby agreed that in case any dispute shall arise relating to any matter herein contained and agreed to be settled by arbitration, the same shall be finally determined by two independent persons, one to be chosen by each of the said parties to the dispute, and such arbitrators shall, before proceeding with the reference, appoint a third arbitrator to act with them, and the decision of the said three arbitrators, or a majority of them, shall be conclusive on both parties, and in case either of the parties shall neglect or fail to appoint an arbitrator within ten days after the request in writing of the other party, then the arbitrator appointed by the other party may proceed alone, and his award shall be conclusive on all parties, or, if both of said parties name an arbitrator, and the two persons so appointed fail to agree on the third, then the Chief Justice of the High Court of Justice of Ontario, shall appoint such third arbitrator, and the decision of such three arbitrators, or a majority of them, shall be conclusive on both parties.

The award shall be made in two months from the appointment of the first of such arbitrators.

In witness whereof the Eastern and Southern Companies have hereunto caused to be set their corporate seals, attested by the hands of their respective presidents and secretaries.

An Act to confirm a certain Agreement made between the Grand Trunk Railway Company of Canada, the Canada Southern Railway Company, and the London and Port Stanley Railway Company, and a certain Agreement made between the London and South Eastern Railway and the Canada Southern Railway Company.

First Reading, 1888.

(Private Bill.)

MR. MEREDITH.

TORONTO:


PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to confirm a certain Agreement made between the Grand Trunk Railway Company of Canada, the Canada Southern Railway Company, and the London and Port Stanley Railway Company, and a certain Agreement made between the London and South Eastern Railway Company and the Canada Southern Railway Company.

**W**HEREAS the corporation of the city of London has, by Preamble.  
its petition, represented that a certain agreement was,  
on the 1st day of June, 1887, made between the London and  
South Eastern Railway Company and the Canada Southern  
5 Railway Company for the working of part of the line of the  
said the London and South Eastern Railway Company; and  
that, to remove doubts as to the validity of the said agreement,  
it is expedient to confirm the same by legislation, and have  
prayed for the passing of an Act for that purpose; and whereas,  
10 it is expedient to grant the prayer of the said petition so far  
as the said matters are within the legislative authority of the  
Legislature of the Province of Ontario;

Therefore Her Majesty, by and with the advice and con-  
sent of the Legislative Assembly of the Province of Ontario  
15 enacts as follows:—

1. The said agreement, bearing date the 1st day of June, Agreement in  
1887, between the London and South Eastern Railway Com- schedule  
pany and the Canada Southern Railway Company—a copy confirmed.  
whereof is set forth in the schedule to this Act—is hereby  
20 confirmed and declared to be binding upon the *several* parties  
*thereto* according to the terms thereof.

2. The interest and title of the said, The London and Title of L. and  
South Eastern Railway Company in and to the lands and S. E. Ry. Co.  
premises mentioned in the said agreement and its rights and not affected by  
25 franchises, in respect of so much of its line as shall have been non-comple-  
completed within the time limited by section 57 of *The Act* tion within  
*to incorporate the London and South Eastern Railway Com-* time limited.  
*pany*, shall not be affected by the non-completion of the  
residue thereof within that time. 

## SCHEDULE.

Memorandum of agreement made in duplicate this first day of June, in the year of our Lord one thousand eight hundred and eighty-seven, between the London and South Eastern Railway Company, (hereinafter called the "Eastern Company") of the first part, and the Canada Southern Railway Company (hereinafter called the "Southern Company") of the second part.

Whereas, the Southern Company have secured running powers over the line of the London & Port Stanley Railway Company ;

And whereas, by the terms of a certain agreement, bearing date March 26th, 1887, it was agreed between the said Eastern and Southern Companies that the said Eastern Company should acquire certain lands in the City of London and Province of Ontario for terminal facilities and free right of way from a point diverging from the line of the London and Port Stanley Railway Company, at Burwell Street, in the said city of London to the station or depot of the said Eastern Company, upon lot No 5 on the south side of Bathurst street, in said city, and that said Eastern Company should execute and deliver a valid and binding agreement for the use and working of such land and premises and right of way by said Southern Company ;

And whereas, said lands have been acquired and right of way secured by said Eastern Company.

Now, therefore this indenture witnesseth that, in consideration of the covenants and agreements hereinafter reserved and contained on the part of the said Southern Company, their successors and assigns to be paid, observed and performed, the said Eastern Company hath covenanted and agreed to grant, and by these presents doth grant unto the said Southern Company, their successors and assigns the use and working of all and singular lots numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve on the south side of Bathurst street, lot number thirteen on the east side of Waterloo street, lots numbers fourteen, fifteen and sixteen on the north side of Horton Street, and that part of lot number seventeen on the north side of Horton street, described as follows, that is to say:—Commencing at the north-east angle of said lot seventeen, thence westerly along the rear of said lot seventeen to the north-west angle thereof; thence southerly along the westerly boundary thereof a distance of fifteen feet; thence north-easterly in a straight line to the said north-east angle and the place of beginning; all of said lots being according to the plan made for the London & Port Stanley Railway Company, and recorded in the registry office for the City of London as Plan No. 175; lots numbers two and three on the south side of Bathurst street aforesaid, and that part of lot number four on the south side of Bathurst street, having a frontage of one hundred and ten feet by a depth of one hundred and sixty-eight feet, and also that part of lot number five on the south side of Bathurst street, having a frontage thereon of one hundred and ten feet by a depth of one hundred and thirty-eight feet, and the line of railway of said Eastern Company and all the privileges and rights thereto appertaining.

To have and to hold the said premises, the said line of railway of said Eastern Company and all powers and privileges thereto appertaining for and during a term equal to the unexpired term of the lease of the London & Port Stanley Railway Company to the Great Western Railway Company, and afterwards for so long as said Southern Company shall have running privileges over the said London and Port Stanley Railway not exceeding in the whole the period of twenty-one years from the twenty-sixth day of March, one thousand eight hundred and eighty-seven.

And said Southern Company covenants and agrees with the Eastern Company to pay to the said Eastern Company therefor yearly and every year, during said term, the sum of three thousand dollars, payable on the following days and times, that is to say, in equal half-yearly payments of one thousand five hundred dollars each, on the first days of the months of May and November in each and every year of said term. The first half-yearly payment to be made on the first day of November, one thousand eight hundred and eighty-seven.

The said Southern Company further covenants with the said Eastern Company to pay all taxes, rates, duties and assessments whatsoever, whether municipal, parliamentary or otherwise, which shall hereafter be charged during the continuance of this agreement against said Eastern Company upon or on account of the property and appurtenances used and worked by the said Southern Company under this agreement, including the current year's taxes.

The said Southern Company shall not, during the said term make any alteration in the locations of the stations of said Eastern Company without the consent in writing of said Eastern Company and its mortgagees first had and obtained.

And the said Southern Company further covenants with the said Eastern Company that they will not assign or transfer this Indenture or their rights thereunder, or any of them, without the consent, in writing, of the said Eastern Company.

And the said Southern Company further covenants and agrees with the said Eastern Company to make such arrangements as to train service in the operation of said Port Stanley Railway between St. Thomas and London as will best accommodate the public in the business of the transportation of freight and passengers upon said Southern Company's railroad, including as part thereof the said Port Stanley Railroad.

And the said Southern Company covenants with the said Eastern Company that the said Southern Company will, during the said term, well and sufficiently repair, maintain, amend and keep the said premises with the appurtenances in good and substantial repair, and all fixtures and things thereto belonging, or which at any time during the continuance of this agreement, shall be erected or made when, where and so often as need shall be. And that the said Southern Company will at the expiration or other termination of this agreement, unless it shall purchase the property as provided, peaceably surrender and yield up to said Eastern Company, its successors or assigns the said Eastern Company's line of railway, its property, appurtenances and effects, with all buildings, erections and fixtures thereon placed by the said Eastern Company in good and substantial repair and condition.

And the said Southern Company further covenants with the said Eastern Company to pay insurance premiums to an amount not exceeding the sum of one hundred dollars per annum upon a policy or policies of insurance for such amount as shall seem best to said Eastern Company upon the buildings of said Eastern Company upon the said lands.


And it is hereby agreed that the said Southern Company, upon the termination of this agreement, shall be at liberty to remove any rails, switches, ties, iron or other structures or materials placed by them on the said lands or streets over which running powers have been granted, leaving the said streets in good repair, or in the event of the said Eastern Company, its successors or assigns desiring to purchase such rails, switches, ties, iron or other structures or material on the termination aforesaid, they shall have the option of so doing at the price to be agreed upon between the said Eastern Company and said Southern Company, and any disagreement as to price shall be settled by arbitration.



And it is also hereby further agreed that the said Southern Company shall, if all the covenants on its part shall have been kept, have the privilege, at any time within six years from the twenty-sixth day of March, 1887, of purchasing the said lands and the said buildings thereon at a sum not exceeding the actual cost thereof, which is hereby declared to be the sum of \$75,000. And in the event of the said Southern Company purchasing the said lands and buildings, as above provided, then the title thereto shall be vested in them or at the option of the said Southern Company in such trustees as they may appoint, and the said Eastern Company will, in consideration of such purchase, transfer and assign to the said Southern Company or to such trustees for them, all rights which the said Eastern Company has acquired or may hereafter acquire to traverse the streets of the city of London, and also such other rights and privileges in respect of said streets as have been granted or may be granted by the corporation of the city of London to the said Eastern Company.

And it is hereby agreed that in case any dispute shall arise relating to any matter herein contained and agreed to be settled by arbitration, the same shall be finally determined by two independent persons, one to be chosen by each of the said parties to the dispute, and such arbitrators shall, before proceeding with the reference, appoint a third arbitrator to act with them, and the decision of the said three arbitrators, or a majority of them, shall be conclusive on both parties, and in case either of the parties shall neglect or fail to appoint an arbitrator within ten days after the request in writing of the other party, then the arbitrator appointed by the other party may proceed alone, and his award shall be conclusive on all parties, or, if both of said parties name an arbitrator, and the two persons appointed fail to agree on the third, then the President of the High Court of Justice of Ontario, shall appoint such third arbitrator, and the decision of such three arbitrators, or a majority of them, shall be conclusive on both parties.

The award shall be made in two months from the appointment of the first of such arbitrators.

And the Southern Company covenant with the Eastern Company that they will, if the Eastern Company shall so require, join in an application to the proper Legislature for the

confirmation of this agreement, and do all things on their part to procure the enactment of such legislation as may be thought necessary or expedient for that purpose. 

 And it is hereby further agreed by and between the parties hereto that if the said annual sum of \$3,000, or any part thereof, shall be unpaid for thirty days after any of the days on which the same ought to have been paid, although no formal demand shall be made thereof, or in case of the breach or non-performance of any of the covenants and agreements herein contained on the part of the Southern Company for a period of thirty days, then and in either of such cases it shall be lawful for the Eastern Company to enter into and upon the said premises, or any part thereof, in the name of the whole to re-enter and the same to have again, repossess and enjoy, anything herein contained to the contrary notwithstanding. 

In witness whereof the Eastern and Southern Companies have herennto caused to be set their corporate seals, attested by the hands of their respective presidents and secretaries.

An Act to confirm a certain Agreement made between the Grand Trunk Railway Company of Canada, the Canada Southern Railway Company, and the London and Port Stanley Railway Company; and a certain Agreement made between the London and South Eastern Railway and the Canada Southern Railway Company.

*(Re-printed as amended by Railway Committee.)*

First Reading, 7th February, 1888.

(Private Bill.)

Mr. MEREDITH.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



An Act to amend the Act to incorporate Trinity  
Medical School.

5 **W**HEREAS, by an Act of the Legislature of the Province <sup>Preamble.</sup>  
of Ontario, passed in the fortieth year of Her Majesty's  
reign, and chaptered 65, certain persons therein named, together  
with such other persons as might thereafter become members  
of the said corporation, were constituted a body corporate and  
10 politic, under the name of "Trinity Medical School," with the  
rights, powers, and obligations in and by the said Act conferred  
and imposed on the said corporation; and whereas the said  
corporation has, by its petition, prayed for an Act changing the  
name of the said corporation, and conferring upon the said  
15 corporation power to purchase, take, and hold real and personal  
property to a larger amount than the amount limited by the  
said Act, and for other purposes; and whereas, it is expedient  
to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
20 as follows:—

1. Sections 2, 4, 6, 11, 12, and 13, or any other sections of <sup>40 V. c. 65, ss.</sup>  
the said Act in which the same occurs, are hereby amended <sup>2, 4, 6, 11-13</sup>  
by striking out the word "School" and inserting instead <sup>amended.</sup>  
thereof the word "College."
- 25 2. Section 1 of the said Act is hereby amended by strik- <sup>40 V. c. 65, s.</sup>  
ing out the word "twenty," where the same occurs in the last <sup>1, amended.</sup>  
line thereof, and inserting instead thereof the words "two  
hundred."
- 30 3. Section 4 of the said Act is hereby amended by striking <sup>40 V. c. 65, s.</sup>  
out of the twenty-fourth line of the said section the words <sup>4, amended.</sup>  
"not including mortgages."

No. 8.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Act to Incorporate  
Trinity Medical School.

First Reading, \_\_\_\_\_, 1888.

(Private Bill.)

Mr. WIDDIFIELD.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to amend the Act to incorporate Trinity  
Medical School.

- W**HEREAS, by an Act of the Legislature of the Province Preamble.  
of Ontario, passed in the fortieth year of Her Majesty's  
reign, and chaptered 65, certain persons therein named, together  
with such other persons as might thereafter become members  
5 of the said corporation, were constituted a body corporate and  
politic, under the name of "Trinity Medical School," with the  
rights, powers, and obligations in and by the said Act conferred  
and imposed on the said corporation; and whereas the said  
corporation has, by its petition, prayed for an Act changing the  
10 name of the said corporation, and conferring upon the said  
corporation power to purchase, take, and hold real and personal  
property to a larger amount than the amount limited by the  
said Act, and for other purposes; and whereas, it is expedient  
to grant the prayer of the said petition;
- 15 Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—
1. Sections 2, 4, 6, 11, 12, and 13, or any other sections of 40 V. c. 65, ss.  
the said Act in which the same occurs, are hereby amended 2, 4, 6, 11-13,  
20 by striking out the word "School" and inserting instead amended.  
thereof the word "College."
  2. Section 1 of the said Act is hereby amended by strik- 40 V. c. 65, s.  
ing out the word "twenty," where the same occurs in the last 1, amended.  
line thereof, and inserting instead thereof the words "*one*  
25 *hundred and twenty-five.*"
  3. Section 4 of the said Act is hereby amended by striking 40 V. c. 65, s.  
out of the twenty-fourth line of the said section the words 4, amended.  
"not including mortgages."
  4. Section 11 of the said Act is hereby amended by adding 40 V. c. 65, s.  
30 after the word "school" where the same occurs in the third 11, amended.  
line thereof the words "or others."

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2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL.

An Act to amend the Act to Incorporate  
Trinity Medical School.

*Re-printed as amended by Private Bills  
Committee.*

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First Reading, 2nd February, 1888.

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(Private Bill.)

Mr. WIDDIFIELD.

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TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act respecting the Nicholls Hospital Trust.

**W**HEREAS, the property formerly known as "Maira Hall," Preamble.  
and now known as "The Nicholls Hospital," situate in  
the township of North Monaghan, in the county of Peterbor-  
ough, given by Charlotte Jane Nicholls, of the town of Peter-  
borough, in the county of Peterborough, widow, for the pur-  
5 pose of a hospital, is found to be unsuitable for hospital pur-  
poses, and the said Charlotte Jane Nicholls has offered to take  
back the said property and to convey to the Nicholls Hospital  
Trust in lieu thereof a more suitable parcel of land, situate in  
10 the said town of Peterborough, and hereinafter described, to be  
held for the purposes of a hospital, and has also offered to give  
to the Nicholls Hospital Trust the sum of \$17,500 for the pur-  
pose of erecting thereon buildings suitable for a hospital; and  
whereas it is expedient that the said exchange should be  
15 effected;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

- 20 **1.** The Nicholls Hospital Trust is hereby authorized to Conveyance  
grant and convey to the said Charlotte Jane Nicholls, her by trustees to  
heirs and assigns, the said property formerly known as "Maira C. J. Nicholls  
Hall," and now known as "The Nicholls Hospital," heretofore authorized.  
conveyed by her to the said trust.
- 25 **2.** The conveyance of the said property shall be duly exe- Mode of exe-  
cuted if attested by the corporate seal and the signature of the cution of con-  
chairman and honorary secretary of said trust. veyance.
- 30 **3.** The said trust may accept from the said Charlotte Jane Conveyance to  
Nicholls, and may take and hold the land and premises trust author-  
hereinafter mentioned, that is to say, all and singular those ized.  
35 certain parcels or tracts of land and premises situate, lying  
and being in the town of Peterborough, in the county of  
Peterborough and Province of Ontario, being composed of lots  
numbers eleven, twelve, thirteen, fourteen and fifteen accord-  
ing to registered plan number forty-five for the said town of  
40 Peterborough, for the purposes of said trust as set out in the  
Act of incorporation thereof, passed in the forty-ninth year of  
Her Majesty's reign, and chaptered 87; and the hospital to be  
erected on said lands, and founded and endowed by the said  
Charlotte Jane Nicholls, shall be known as "The Nicholls  
Hospital."

2nd Session, 6th Legislature, 61 Vic, 1888.

BILL.

An Act respecting the Nicholls Hospital  
Trust.

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First Reading, 1888.

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(Private Bill.)

MR. STRATTON.

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TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act incorporating the William Hall, Peterborough, Protestant Poor Trust.

**W**HEREAS, by an Act passed in the fortieth year of the reign of Her Majesty, and chaptered 59, the William Hall Peterborough Protestant Poor Trust became a body corporate and politic, and it is provided in and by the said Act that the said Trust shall consist of a board of eight trustees, all resident in the county of Peterborough, four of whom should be chosen from members or adherents of the Presbyterian Church in Canada, one from members or adherents of the United Church of England and Ireland, one from members or adherents of the Wesleyan Methodist Church in Canada in connection with the English Conference, one from members or adherents of the Regular Baptist denomination, and one from members or adherents of the Bible Christian Church in Canada; and whereas, by an Act passed in the forty-third year of the reign of Her Majesty, and chaptered 83, it is provided that the said Trust shall consist of a board of eight trustees, all resident in the county of Peterborough, two of whom shall be members or adherents of St. Paul's, and two of St. Andrew's congregation, of the Presbyterian Church in Canada, in the town of Peterborough, one a member or adherent of the Church of England, in the town of Peterborough, one a member or adherent of the Wesleyan Methodist Church in Canada, in the town of Peterborough, one a member or adherent of the Regular Baptist denomination, in the town of Peterborough, and one a member or adherent of the Bible Christian Church in Canada, in the town of Peterborough, and in the event of any of the said trustees, or their successors thereafter, ceasing to be a member or adherent of either the congregation or denomination to which he belonged at the time of his appointment, he shall thereupon become disqualified, and his seat on the said board shall thereupon become vacant, and a certificate signed by the minister of such congregation or denomination setting forth that such trustee has ceased to be a member or adherent of such congregation or denomination shall be notice to the secretary of the said board of such disqualification, and thereupon the said secretary shall notify in writing the trustee whose disqualification is so certified to him of the receipt by him of the said certificate, and unless within ten days from the mailing of such notice to the said trustee, he disputes in writing the truth of the said certificate, the secretary of the board shall take the necessary steps for the election of a successor to such trustee, as provided by the said Act, and that in the event of any of the said trustees or any future trustee dying or resigning or thereafter becoming incapable of acting, or disqualified by reason of his thereafter ceasing to be a member or adherent of

either the congregation or denomination to which he belonged at the time of his appointment, or of his ceasing to reside in the said county of Peterborough, a successor to such trustee so dying or resigning or becoming incapable to act, or disqualified, shall be appointed in the manner following: Upon the happening thereafter of any of the events aforesaid it shall be the duty of the secretary of the said board forthwith to notify the minister of the congregation to which said trustee so dying, or resigning, or becoming incapable, or disqualified belonged at the time of his appointment of such event having happened, and such minister shall, as soon thereafter as convenient, call a meeting of his congregation, in the manner in which it is usual to call congregational meetings according to the ordinances of his Church, for the purpose of electing a successor to the trustee so dying, or resigning, or becoming incapable, or disqualified, and such new trustee shall be elected by the majority of the members of the said Church at the said meeting, and the said minister shall thereupon certify such election to the secretary of the said board whose duty it shall be to record such election in the minute book of the board, setting forth the date of such election, and the congregation represented by such new trustee; and whereas, since the passing of the said Acts the Wesleyan Methodist Church in Canada and the Bible Christian Church in Canada have become united and are now one body having the name of "The Methodist Church in Canada;" and whereas, at the time of the passing of the said Acts there was only one Methodist congregation in the town of Peterborough and there are now two Methodist congregations; and whereas, under the circumstances it has become necessary and desirable to readjust the representation on the board of the said Trust, in so far as the same relates to the Methodist Church and the Bible Christian Church, and the said Trust have petitioned that an Act be passed to provide for the same; and whereas, it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Representation on board of Methodists and Bible Christians.

1. Notwithstanding anything in the said Acts contained when and as soon as Thomas Willan Robinson as representing the Methodists, or William Yelland as representing the Bible Christians shall for any of the causes mentioned in section 4 of the Act passed in the forty-third year of Her Majesty's reign, chaptered 83, cease to be a member of the said board, no person shall be appointed to succeed him, but thereafter the Methodist Church shall be represented on the said board by the other, but when such other shall for any of the causes aforesaid cease to be a member of the said board, then his successor shall be appointed in manner provided by the said Act, but subject to the provisions of this Act.

Methodist congregations to elect one trustee.

2. Instead of such successor being elected by the congregation to which the trustee so ceasing to be a member of said board belonged, he shall be elected by all the Methodist congregations in the said town of Peterborough at the time such trustee ceases to be a member of the said board, and it shall be the duty of the minister receiving the notice of vacancy,



provided for by section 4 of the said Act, to convene a meeting of the said several congregations for the purpose of electing such successor by notifying his own congregation and the respective ministers of such other Methodist congregations, of the time and place of holding the said meeting.

2nd Session, 6th Legislature, 51 Vic. 1888.

BILL.

An Act to amend the Act incorporating  
the William Hall Peterborough Protestant  
Poor Trust.

First Reading	1888.
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(Private Bill.)

M. STRATTON.

TORONTO:  
PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to authorize the Corporation of the Town of Peterborough to issue Debentures.

WHEREAS, by the Act of the Parliament of Canada, passed Preamble.

in the twenty-fourth year of Her Majesty's reign, chapter sixty-one, it is amongst other things enacted that it shall not be lawful for the corporation of the town of Peterborough to incur any further debt or liability than that authorized by said Act, beyond the current expenses, to be paid out of the annual assessment without the sanction of the Legislature; And, whereas, the said corporation has passed a by-law numbered five hundred and twenty-nine, entitled, "A By-Law to provide for the construction of permanent bridges over the creek on Brock, Simcoe, Charlotte, and other streets in the town of Peterborough, and also the locks bridge, and for the cribbing of Crescent Street," whereby it is provided that debentures of the said corporation for the sum of \$20,000, may, from time to time, be issued as required for the purpose of constructing certain bridges, of permanent materials, over the creek which flows through the said town, and to provide over the town's share towards the erection of an iron bridge across the river at the locks, in the neighbourhood of the said town, and also to provide for the cribbing of Crescent street in said town, on the borders of the little lake, which said by-law has been approved by the ratepayers of the said town in the manner required by law, but, by reason of the said recited statute, the said by-law is inoperative without the sanction of the Legislature; And, whereas, the Corporation of the Town of Peterborough has, by petition, prayed that the sanction of the Legislature may be given to the incurring of such indebtedness in accordance with the said by-law, and that the said by-law may be confirmed and declared legal and valid, and it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in the said recited Act, the by-law of the corporation of the town of Peterborough numbered five hundred and twenty-nine, entitled, "A By-Law to provide for the construction of permanent bridges over the creek on Brock, Simcoe, Charlotte and other streets in the town of Peterborough, and also the locks bridge, and for the cribbing of Crescent street," is hereby confirmed and declared to be, and to have been from the passing thereof, legal and valid, and the said corporation is hereby authorized and empowered to incur the indebtedness and to issue debentures to the amount of \$20,000 in the manner and for the purposes in said By-law provided.

Bylaw No. 529  
confirmed.

BILL.

An Act to authorize the Corporation of the  
Town of Peterborough to issue De-  
bentures.

First Reading,	1888.
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(Private Bill)

MR. STRATTON.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act respecting the Debt of the Village of Brussels.

**W**HEREAS, the municipal corporation of the village of Preamble.  
 Brussels, by their petition, have represented that certain  
 by-laws have at various times been passed by the ratepayers  
 of the said village authorizing the issue of debentures to pur-  
 5 chase appliances for fire protection, to grant bonuses for  
 manufactories and other permanent improvements, and have  
 issued under such by-laws debentures creating debts to the  
 amount of \$32,200, the first of which said debenture debts,  
 namely, number seven for 1878, for the sum of \$5,000, will  
 10 mature on the 4th day of July, 1888, and the others of said  
 debentures, making in all the sum of \$27,200, will mature at  
 various and different dates thereafter as follows, namely:  
 number eight for 1878, for the sum of \$20,000, on the 1st day  
 of September, 1898; number nine for 1878, for the sum of  
 15 \$2,200, on the 4th day of August, 1898, and number ten for  
 1884, for the sum of \$5,000, on the 1st day of June, 1894;  
 and it hath also been made to appear that no funds have been  
 provided by way of sinking fund or otherwise for redeeming  
 any portion of the said debentures, save and excepting only  
 20 the interest maturing thereon from year to year, and that it  
 would be in the interest of the said village of Brussels to obtain  
 the passage of an Act authorizing the issue of debentures in  
 order to retire the said debentures as they from time to time  
 become due; and whereas, the corporation of the said village  
 25 of Brussels have in and by their said petition prayed for the  
 passing of an Act to entitle them to carry out the said object;  
 and whereas, it is expedient to grant the prayer of the said  
 petition:

Therefore, Her Majesty, by and with the advice and consent  
 30 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

1. The debenture debt of the said village of Brussels is  
 hereby consolidated at the said sum of \$32,200, and it shall  
 and may be lawful for the corporation of the said village of  
 35 Brussels to raise by way of loan upon the credit of the debentures  
 hereinafter mentioned and by this Act authorized to be  
 issued from any person or persons, or body corporate, a suffi-  
 cient sum or sufficient sums to retire the said recited debentures  
 as they respectively become due, not exceeding in the whole  
 40 the said sum of \$32,200, exclusive of the interest thereon.

Consolidation  
 of debt at  
 \$32,200; power  
 to raise by way  
 of loan.

2. It shall and may be lawful for the said corporation of  
 the village of Brussels to pass a by-law, or from time to time  
 to pass by-laws, (without the expressed consent of the rate-  
 payers of the said village) authorizing the issue of debentures

Authority to  
 pass by-laws.

of the said village for the sum of \$32,200, or various sums not exceeding in the whole the amount of the said debenture debt of \$32,200, exclusive of the interest thereon, for the purpose of redeeming the said respective debentures already issued under the authority of the said by-laws. 5

Repeal of by-laws.

3. The said corporation may, after the debt created under such original by-law and the interest thereon shall be paid and satisfied, and after the redemption of the debentures issued thereunder, repeal the said by-laws so far as regards the levying of rates imposed by the same, for the redemption of such original debentures and the payment of the interest on the same. 10

Outstanding debentures may be called in.

4. The treasurer of the said village shall, upon receiving instructions so to do from the council, call in and discharge with the funds realized from such debentures any of the debentures mentioned in the preamble of this Act, which have matured or (with the authority of the holders thereof) those or any of those which are still outstanding, or may substitute for the said maturing or outstanding debentures, as the case may be, the debentures or any of the debentures authorized to be issued under any by-law or by-laws passed under the provisions of this Act, upon such terms as may be agreed on between the said corporation and the holders of such maturing or outstanding debentures. 15 20

By-law to provide for a special rate.

5. Such by-law or by-laws authorizing the issue of said debentures, or any of them, shall provide for, and the said corporation is therein and thereby authorized to impose, a special rate per annum on the whole ratable and taxable property in the said municipality, to be called "The Consolidated Loan Rate," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year and shall be sufficient to pay the sums falling due annually for interest, and to provide a sinking fund for the due payment of the principal (as and when the same shall become due) of the debentures hereby authorized to be issued under said by-laws. 25 30 35

Debentures to be issued in pursuance thereof.

6. It shall and may be lawful for the municipal council of the said village of Brussels, after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued a debenture or debentures of the said corporation, under the corporate seal of the said municipality, signed by the reeve and countersigned by the clerk for the time being of the said municipality, for such sum or sums not exceeding in the whole the said sum of \$32,200 (exclusive of the interest maturing on said debentures) as the municipal council of the said village of Brussels shall from time to time direct and appoint, such debentures to bear interest at a rate not exceeding seven per cent. per annum, payable yearly or half-yearly, as by said by-law or by-laws may be provided. 40 45

Debentures payable in 20 years and to be for not less than \$100 each.

7. The debenture or debentures to be issued under the preceding section shall be made payable at such time or times not exceeding twenty years after the date thereof and at such place or places either within or without this Province, and shall be for such sums either in sterling or currency, and not less than \$100 each, as the corporation of the said village of Brussels may by such by-law or by-laws provide. 50 55

8. The money raised by special rate under the authority of by-laws passed in pursuance of this Act, whether for sinking fund or otherwise, shall be applied as aforesaid in and towards the payment of the said existing debenture debt of \$32, 00 and not otherwise, and for that purpose the said council shall, and it shall be the duty of the treasurer thereof by and with the consent and approbation of the said council, from time to time to invest all moneys so received either in the redemption of any of the outstanding or maturing debts or debentures, or in government securities, municipal debentures, or first mortgage on real estate held and used for farming purposes in the Province of Ontario, and being a first lien on such real estate, but not to a greater extent than two-thirds of the assessed value of such real estate, or in such manner as the Lieutenant-Governor in Council may by general or special order direct or appoint, or the said treasurer may deposit the same in any bank or banking office to be approved of by special resolution of the said council.

Investment of sinking fund, etc.

9. It shall not be necessary to obtain the assent of the electors of the said village to the passing of any by-law or by-laws under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Assent of electors to by-law not required.

10. It shall be the duty of the treasurer of said village from time to time to keep a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act and the respective amounts, payment of which is thereby secured and the times at which the said debentures shall respectively become due and payable and the several investments which shall from time to time be made of the said amounts, and as to so much thereof as shall at any time or times be deposited or invested as provided for by section 8 of this Act; the said book of account and statement shall set forth and shew the amount and the place and places of such deposit, and the amount, the mode and nature, and place or places of such investments, and the terms or conditions upon which such deposits or investments shall from time to time be made.

Treasurer to keep books shewing state of debenture debt.

11. Every debenture issued under the authority of this Act shall have upon the face of it, either written or printed, the words "Brussels Consolidated Loan Debenture," and any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no want of substance or irregularity in the form, either of the said debentures authorized to be issued by this Act or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action against the said corporation for the recovery of the amount of the said debentures and interest, or any part thereof.

Inconsistent provisions in municipal Acts not to apply.

BILL.

An Act respecting the Debt of the Village  
of Brussels.

First Reading.

1888.

(Private Bill.)

MR. GIBSON,  
(Huron.)

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



## An Act respecting the Debt of the Village of Brussels.

WHEREAS, the municipal corporation of the village of Preamble.

Brussels, by their petition, have represented that certain by-laws have at various times been passed by the ratepayers of the said village authorizing the issue of debentures to purchase appliances for fire protection, to grant bonuses for manufactories and other permanent improvements, and have issued under such by-laws debentures creating debts to the amount of \$32,200, the first of which said debenture debts, namely, number seven for 1878, for the sum of \$5,000, will mature on the 4th day of July, 1888, and the others of said debentures, making in all the sum of \$27,200, will mature at various and different dates thereafter as follows, namely: number eight for 1878, for the sum of \$20,000, on the 1st day of September, 1898; number nine for 1878, for the sum of \$2,200, on the 4th day of August, 1898, and number ten for 1884, for the sum of \$5,000, on the 1st day of June, 1894; and it hath also been made to appear that no funds have been provided by way of sinking fund or otherwise for redeeming any portion of the said debentures, save and excepting only the interest maturing thereon from year to year, and that it would be in the interest of the said village of Brussels to obtain the passage of an Act authorizing the issue of debentures in order to retire the said debentures as they from time to time become due; and whereas, the corporation of the said village of Brussels have in and by their said petition prayed for the passing of an Act to entitle them to carry out the said object; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The debenture debt of the said village of Brussels is hereby consolidated at the said sum of \$32,200, and it shall and may be lawful for the corporation of the said village of Brussels to raise by way of loan upon the credit of the debentures hereinafter mentioned and by this Act authorized to be issued from any person or persons, or body corporate, a sufficient sum or sufficient sums to retire the said recited debentures as they respectively become due, not exceeding in the whole the said sum of \$32,200, exclusive of the interest thereon.

Consolidation of debt at \$32,200; power to raise by way of loan.

2. It shall and may be lawful for the said corporation of the village of Brussels to pass a by-law, or from time to time to pass by-laws, (without the expressed consent of the ratepayers of the said village) authorizing the issue of debentures

Authority to pass by-laws.

of the said village for the sum of \$32,200, or various sums not exceeding in the whole the amount of the said debenture debt of \$32,200, exclusive of the interest thereon, for the purpose of redeeming the said respective debentures already issued under the authority of the said by-laws.

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Repeal of by-laws.

3. The said corporation may, after the debt created under such original by-law and the interest thereon shall be paid and satisfied, and after the redemption of the debentures issued thereunder, repeal the said by-laws so far as regards the levying of rates imposed by the same, for the redemption of such original debentures and the payment of the interest on the same.

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Outstanding debentures may be called in.

4. The treasurer of the said village shall, upon receiving instructions so to do from the council, call in and discharge with the funds realized from such debentures any of the debentures mentioned in the preamble of this Act, which have matured or (with the authority *and consent* of the holders thereof) those or any of those which are still outstanding, or may substitute for the said maturing or outstanding debentures, as the case may be, the debentures or any of the debentures authorized to be issued under any by-law or by-laws passed under the provisions of this Act, upon such terms as may be agreed on between the said corporation and the holders of such maturing or outstanding debentures.

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Application of proceeds of debentures.

5. The debentures authorized to be issued under any by law or by-laws passed under the provisions of this Act or the funds derived from the negotiation thereof shall be applied by the said Council to the payment or calling in of the said outstanding debentures, and to and for no other purpose whatever.

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By-law to provide for a special rate.

6. Such by-law or by-laws authorizing the issue of said debentures, or any of them, shall provide for, and the said corporation is therein and thereby authorized to impose, a special rate per annum on the whole ratable and taxable property in the said municipality, to be called "The Consolidated Loan Rate," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year and shall be sufficient to pay the sums falling due annually for interest, and to provide a sinking fund for the due payment of the principal (as and when the same shall become due) of the debentures hereby authorized to be issued under said by-laws.

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Debentures to be issued in pursuance thereof.

7. It shall and may be lawful for the municipal council of the said village of Brussels, after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued a debenture or debentures of the said corporation, under the corporate seal of the said municipality, signed by the reeve and countersigned by the clerk for the time being of the said municipality, for such sum or sums not exceeding in the whole the said sum of \$32,200 (exclusive of the interest maturing on said debentures) as the municipal council of the said village of Brussels shall from time to time direct and appoint, such debentures to bear interest at a rate not exceeding *six* per cent. per annum, payable yearly or half-yearly, as by said by-law or by-laws may be provided.

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8. The debenture or debentures to be issued under the preceding section shall be made payable at such time or times not exceeding twenty years after the date thereof and at such place or places either within or without this Province, and shall be for such sums either in sterling or currency, and not less than \$100 each, as the corporation of the said village of Brussels may by such by-law or by-laws provide.

Debentures payable in 20 years and to be for not less than \$100 each.

9. The money raised by special rate under the authority of by-laws passed in pursuance of this Act, whether for sinking fund or otherwise, shall be applied as aforesaid in and towards the payment of the said existing debenture debt of \$32,200 and not otherwise, and for that purpose the said council shall, and it shall be the duty of the treasurer thereof by and with the consent and approbation of the said council, from time to time to invest all moneys so received either in the redemption of any of the outstanding or maturing debts or debentures, or in government securities, municipal debentures, or first mortgages on real estate held and used for farming purposes in the Province of Ontario, and being a first lien on such real estate, but not to a greater extent than two-thirds of the assessed value of such real estate, or in such manner as the Lieutenant-Governor in Council may by general or special order direct or appoint, or he may deposit the same in any chartered bank of the Dominion of Canada, that the Council may from time to time approve; and all dividends and interest received on such investments shall be applied to the extinction of the loan authorized to be raised under this Act.

Investment of sinking fund, etc.

10. It shall not be necessary to obtain the assent of the electors of the said village to the passing of any by-law or by-laws under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Assent of electors to by-law not required.

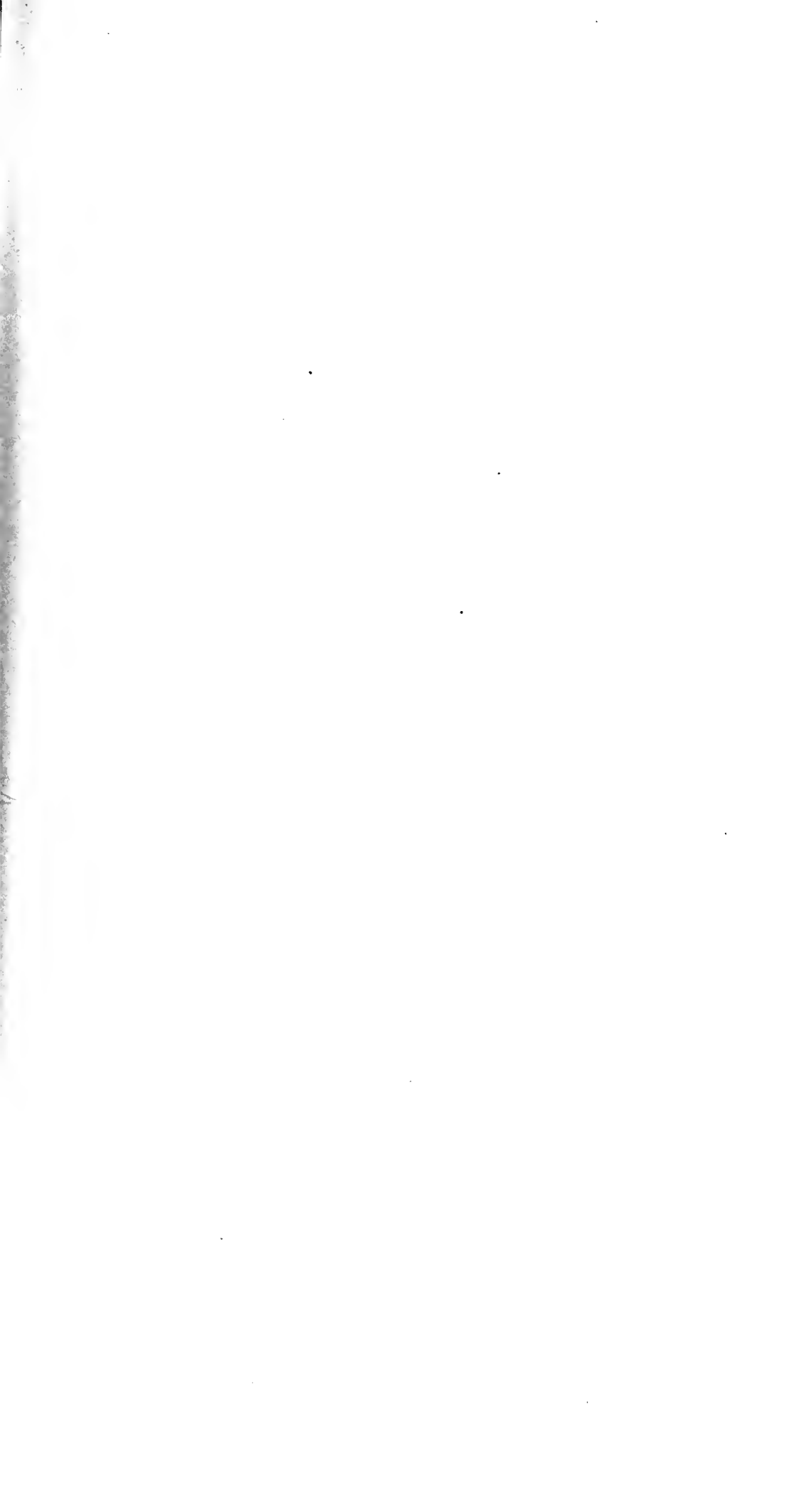
11. It shall be the duty of the treasurer of said village from time to time to keep a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act and the respective amounts, payment of which is thereby secured and the times at which the said debentures shall respectively become due and payable and the several investments which shall from time to time be made of the said amounts, and as to so much thereof as shall at any time or times be deposited or invested as provided for by section 9 of this Act; the said book of account and statement shall set forth and shew the amount and the place and places of such deposit, and the amount, the mode and nature, and place or places of such investments, and the terms or conditions upon which such deposits or investments shall from time to time be made.

Treasurer to keep books shewing state of debenture debt.

12. Every debenture issued under the authority of this Act shall have upon the face of it, either written or printed, the words "Brussels Consolidated Loan Debenture," and any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to the by-law or

Inconsistent provisions in municipal Acts not to apply.

by-laws to be passed by the said corporation under the provisions of this Act, and no want of substance or irregularity in the form, either of the said debentures authorized to be issued by this Act or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action against the said corporation for the recovery of the amount of the said debentures and interest, or any part thereof. 5



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2nd Session 6th Legislature, 51 Vic, 1888.

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BILL.

An Act respecting the Debt of the Village  
of Brussels.

*Re-printed as amended by Private Bills  
Committee.*

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First Reading, 2nd February, 1888.

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Mr. GIBSON,  
(Huron.)

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No. 13]

**BILL.**

[1888.

An Act to renew the charter of the Saugeen Valley Railway Company, and to extend the time for the completion of the said Railway.

**W**HEREAS, the Saugeen Valley Railway Company has by its petition, prayed that its charter be renewed, and the time for the completion of said railway be extended; and, whereas, it is expedient to grant the prayer of said petition: Preamble.

5 Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

The charter of the said railway company is hereby renewed, and the time for the completion of the said railway is hereby extended for the period of five years from the time now limited Charter renewed and time for completion of railway extended.  
10 for the completion thereof.

BILL.

An Act to renew the Charter of the  
Saugeen Valley Railway Company, and  
to extend the time for the completion of  
the said Railway.

First Reading,                      , 1888.

(Private Bill)

Mr. BIGGAR.

TORONTO:

PRINTED BY WARWICK & SON, 26 AND 28 FRONT ST. W



An Act to renew the charter of the Saugeen Valley Railway Company, and to extend the time for the completion of the said Railway.

**W**HEREAS, the Saugeen Valley Railway Company has by Preamble.  
its petition, prayed that its charter be renewed, and the time for the completion of said railway be extended; and, whereas, it is expedient to grant the prayer of said petition;

5 Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

The time for the completion of the said railway is hereby Time for completion of railway extended.  
extended for the period of five years from the time limited for  
10 the completion thereof, ~~by~~ by the Act passed in the forty-fifth year of the Reign of Her Majesty, chaptered 65, and intituled, *An Act to amend the Act incorporating the Saugeen Valley Railway Company*, and notwithstanding anything contained in said Act, or in any other Act relating to the said the Saugeen Valley Railway Company, the charter of said Company  
15 shall not be deemed or taken to have been or to be forfeited, unless the said railway is not completed within the period of five years hereby enacted as the time for the completion of said Railway. ~~and~~

BILL.

An Act to renew the Charter of the  
Saugeen Valley Railway Company, and  
to extend the time for the completion of  
the said Railway.

*Re-printed as amended by the Railway  
Committee.*

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First Reading, 7th February, 1888.

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(Private Bill.)

Mr. BIGGAR.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST.. W

An Act to Incorporate the Central Canada Exhibition Association.

**W**HEREAS, McLeod Stewart and others hereinafter named <sup>Preamble.</sup> have, by their petition, prayed that an association may be incorporated for the purpose of promoting industries, arts and sciences generally, and of establishing and holding agricultural, industrial, art, and other exhibitions at the city of Ottawa; and whereas, it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. McLeod Stewart, Charles Magee, Patrick Baskerville, <sup>Incorporation.</sup> Robert Cummings, Francis McDougal, Charles Mohr, Charles H. Mackintosh, George O'Keefe, John C. Roger, William H. Lewis, Ira Morgan, Honore Robillard, M. P., Alonzo Wright, M. P., Olivier Durocher, Robert Hurdman, George William Monk, M. P. P., Hugh Brownlee, William C. Edwards, M. P., John Dawson, Erskine H. Bronson, M. P. P., Robert J. Devlin, John Heney, Albert Hagar, John R. Booth, William G. Perley, M. P., John Clark, Joseph R. Esmonde, William Owens, M.P.P., Hector McLean, John I. MacCracken, James Surch, Jacob Eiratt, Charles Desjardins, Thomas Birkett, Hon. Francis Clemow, Alexander Robillard, M. P. P., Andrew W. Fleck, Freeman Daniels, Geo. S. May, Thos. Stewart, James Gordon, A. S. Woodburn, G. B. Pattee, W. E. Brown, John Bryson, M. P., W. J. Poupore, M. P. P., Wm. Conroy, S. LeBrosse, M. P., A. Evan-  
 turel, M. P. P., E. A. Petrie, Peter White, M. P., James Rayside, M. P. P., P. Purcell, M. P., James MacLaren, William Rodden, Col. Allan Gilmour, Thos. Murray, M. P. P., J. McAndrew, M. P. P., J. Hilliard, M. P. P., Dr. Chamberlain, M. P. P., F. J. French, M. P. P., R. C. W. Mac-  
 Quaig and others, the several representatives of the several societies, corporations and associations hereinafter named, together with all such other persons and representatives of other societies, corporations and associations as shall, under the authority of this Act, be associated with them in, and become members of, the corporation hereby created, shall be a body politic and corporate by the name of the "Central Canada Exhibition Association," and by that name shall and may have perpetual succession and a common seal, with power to break and alter the same, and by that name shall and may sue and be sued in all courts in this province; and the said corporation shall have their principal place of business at Ottawa, but may open such office or offices at such places as may be found necessary or convenient for the purposes of their business.

Exhibitions  
authorized.

2. The said association is hereby authorized and empowered, either permanently or periodically, in structures, buildings, enclosures, and places located in the city of Ottawa or the townships of Nepean or Gloucester, suitable for exhibition purposes, and for the promotion of industries, arts, and sciences generally, to exhibit any and every variety of thing and being, found in animal and vegetable life, and every kind and variety of mineral; to exhibit products, wares, goods, merchandise, machinery, mechanical inventions, and improvements of every nature, name and kind, and such as are generally exhibited at fairs, including the various processes of manufacture; to exhibit paintings and statuary of any and every nature and kind; to exhibit and develop the points and qualities of the several breeds of horses and other animals, by such competitive tests as may be humane and proper, and as may be deemed expedient, and to make such other exhibitions as will be in conformity with the purposes and objects of this Act; and the said association is hereby further authorized, but only for the carrying on and maintaining the business aforesaid and such other business as may be hereafter mentioned, to hold, own, and acquire, by lease, purchase, gift, or otherwise, property, real and personal, at such prices and on such terms and conditions as may be agreed upon, and may improve and use the same, by the construction of such buildings, houses, works, and improvements as are necessary, and as may be deemed proper; and the said association is hereby further authorized to cultivate such portions of their grounds as they may deem proper for the propagation of plants, trees, shrubs, or other things of a vegetable nature; and also to manufacture and raise articles and things required in the various exhibitions contemplated; and to sell, mortgage, lease, or otherwise dispose of any property at any time held by the said association; provided always, and it is enacted, that the said association shall at no time acquire or hold any lands or tenements, or interests therein, exceeding in the whole, at any one time, the annual value of \$10,000, nor otherwise than for actual use or occupation for the purposes of the said corporation.

Entrance fees,  
prizes, etc.

3. The said association is hereby authorized to charge such admission fees as may be deemed proper to receive for exhibiting everything contemplated by this Act; to charge such entrance fees, and to award, give, and pay to exhibitors such prizes, medals, and honorary distinctions as they may deem proper, and to let or lease stalls, stands, rooms and places in any of their buildings or structures, or in any part of their grounds or property, upon such terms and conditions, and for such purposes, as the board of directors may deem best for the interests of the said association.

Members of  
association.

4. The Mayor of the city of Ottawa, three members of the council of the corporation of the city of Ottawa, to be appointed by by-law of the said council at the time when the standing committees thereof for the year are appointed (but a failure to appoint them shall not prevent the appointment being made afterwards) the president, vice-president and five members of the city of Ottawa electoral district association; the warden of the county of Carleton, and two representatives being members of the county council of the county of Carleton, to be named and appointed by the said council at the time of the appointment

of the several standing committees thereof for the year; the warden of the united counties of Prescott and Russell, and two members of the council of the said united counties, to be named and appointed by the said council at the time of the appointment of the standing committees thereof for the year; the president, vice-president and three members of the electoral division of the county of Carleton agricultural society; the president, vice-president and three members of the electoral division of the county of Russell agricultural society; the president and vice-president of the Ottawa Board of Trade; two members each from all the electoral district agricultural societies in that part of Ontario east of Kingston, except Russell and Carleton aforesaid; and two members each from the agricultural societies in the Province of Quebec west of the Island of Montreal, viz: the chairman and one member; two representatives from each of the several corporations, associations, organizations, societies and public bodies, that is to say: the Ontario Society of Artists, the Art Association of Ottawa, the Ottawa Literary and Scientific Society, the Ontario Music Teachers' Association, the Geological Survey of Canada, the Central Experimental Farm, the Horticultural Society of Ottawa, the Stock Breeders' Association of Ontario, the Fruit Growers' Association of Ontario, the Ontario Veterinary Association, the Ontario College of Pharmacy, the Eastern Ontario Poultry and Pet Stock Association, the Dairymen's Association of Eastern Ontario, the Ontario Creameries Association, the Millers' Association, the Photographers' Association, the Entomological Society of Ontario, the Ottawa Field Naturalists' Club, the Ontario Manufacturers' Association, the Canadian Designers' Association, and the Ottawa School of Art and Science; such representatives to be named and appointed by the said several corporations, associations, organizations and societies at their annual meeting for the election of officers, such number of representatives of such other corporations, associations, organizations or societies not named above as may from time to time, upon application to be made by such corporations, associations, organizations or societies, be admitted to the said the Central Canada Exhibition Association by vote thereof at the annual meeting thereof, upon such terms and conditions, and under such regulations and restrictions as may be made and determined by the board of directors and sanctioned by the association at its annual meeting; and all such other persons as the board of directors may by by-law admit to membership, as hereinafter provided, shall constitute the said the Central Canada Exhibition Association, and the said several persons and representatives named, or hereafter to be admitted under the provisions of this Act, and the by-laws of the said last mentioned association, shall be members of the said the Central Canada Exhibition Association.

5. McLeod Stewart, Chas. Magee, A. S. Woodburn, Robert J. Devlin, Francis McDougal, Andrew W. Fleck, W. C. Edwards, M. P., E. H. Bronson, M. P. P., Thomas Birkett, John Dawson, W. E. Brown, Albert Hagar, Honore Robillard, Chas. Desjardins, Ira Morgan, William H. Lewis, Charles Mohr, George W. Monk, Hon. Francis Clemow, John McKellar, Jacob Erratt, Alonzo Wright, M. P., William Owens, M. P. P., and Hector McLean shall be provisional directors of the said the Central Canada Exhibition Association, to organize said

Provisional  
directors.

association, and shall hold office until the election of directors, as hereinafter provided.

Meeting for first election of directors.

6. Forthwith, after the passing of this Act, the said provisional directors, or a majority of them, shall notify, in writing, the several corporations, organizations, persons, associations and societies, specially mentioned in section 4 of this Act, of the provisions of this Act, and shall at the same time request each of them to name and appoint representatives (where the same are provided for in this Act) to the said the Central Canada Exhibition Association pursuant to the provisions of this Act, which appointment shall be evidenced by the corporate seal of each of the said several societies, organizations, associations or corporations, or by a certificate, signed by the presiding officer and secretary, or clerk, of such organization, society, corporation or association, as the case may be, and such notice shall likewise contain a statement of the time and place of holding the first meeting of the members of the association for the election of directors and such other business as may be required to be done at such meeting, a copy of which notice shall also be published once in each week for two weeks before the time appointed for such meeting in one of the newspapers published in the city of Ottawa.

Certificates of appointments of members.

7 At the first meeting of the members of the association hereby incorporated for the election of directors, each member of the association being a representative shall produce to the said provisional directors a certificate under the seal of the corporation, association, society or organization which he represents, or under the hand of the presiding officer and secretary, of his due and proper appointment, and the said provisional directors, or a majority of them, shall, at the time of such election, cause a list of all duly qualified members of the association hereby incorporated to be made out and placed upon the table, and only the persons whose names shall appear upon such list shall be eligible as directors, or entitled to vote for directors, and upon such other matters, questions and things as may be presented for the consideration of the meeting.

Representation of societies which have not made any election.

8. In the event of no appointment of representatives under the provisions of this Act having been made, from any cause, by any of the societies, corporations, organizations, or associations specially named in section 4 hereof, before the time fixed by the provisional directors for the holding of the meeting for the election of the directors of the said association hereby incorporated, then, and in every such case, the president, vice-president, chairman, or other presiding officer, and the secretary of the association, organization, corporation or society, so having failed to make such appointment, shall be the representatives of such association, organization, corporation or society, and shall be *ex officio* members of the corporation hereby created, until the appointment contemplated by this Act shall have been made, and shall be entitled to vote at all meetings of members of the said association.

Number of directors, etc.

9. The board of directors shall consist of not less than fifteen nor more than twenty-four members, as shall be determined at the meeting to be held as provided for in section 7 of

this Act. The mayor of the city of Ottawa, and the three members of the municipal council thereof, appointed under the provisions of section 4 hereof, shall be members of the said board. The county of Carleton Agricultural Society shall be  
 5 entitled to a representation on said board of five members, all of whom shall be residents of the county of Carleton, but none of whom shall be residents of the city of Ottawa, and shall be chosen by said society in such a manner as said society may decide, and not more than four of the directors  
 10 shall be elected from the city of Ottawa Electoral District Association under section 4 of this Act, and the remainder of the directors shall be chosen from among the members of the said association. The election of directors (except as to the directors appointed by the council of the city of Ottawa and  
 15 the county of Carleton Agricultural Society, as aforesaid,) and every question voted on at said meeting shall, if demanded by two members, be decided by ballot by a majority of votes of the members of the association hereby incorporated, present in person and voting at the meeting: the directors so chosen  
 20 shall immediately elect one of their own number to be president, and two others of them to be vice-presidents, which president, vice-presidents and directors, shall continue in office for one year, and until others shall be chosen to fill their places as may be provided for by the by-laws of said association, and  
 25 if any vacancy shall at any time happen by death, resignation or otherwise, in the office of president, vice-president or directors, the remaining directors shall supply such vacancy by the appointment of some member of the association for the remainder of the year; and the election of the directors shall  
 30 take place annually, either on the anniversary of the day of the first election of directors, or such other day as may be fixed by by-law, as hereinafter provided and mentioned.

**10.** The directors shall have full power to make all by-laws, <sup>Powers of directors.</sup> rules and regulations, not inconsistent with the provisions of  
 35 this Act, for the management of the association hereby incorporated, the securing of the cash fund hereinafter mentioned, and the collection thereof, as also hereinafter mentioned, the acquisition of exhibition grounds and buildings, by purchase, lease, agreement or otherwise, and the selling, leasing and  
 40 mortgaging or otherwise disposing of the same, as occasion may require, the acquisition and management of all property, whether real or personal, which may be required for the purposes of, or in connection with, the exhibition or other business and operations of the said association, and the sale or other  
 45 disposal thereof when no longer required for such purposes, the entering into any and all arrangements, agreements and contracts with any person, or corporation, society, or association, as the same may become necessary to carry out the objects of the said association, the admission of other persons as mem-  
 50 bers and of other corporations, societies, associations, or organizations than those named in this Act, to be represented in the said association hereby incorporated, and the terms and conditions of such admission, the fees (if any) to be paid by mem-  
 55 periodical, fixing the time for the annual meeting and the calling of general, special and other meetings of the association, the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the association, the

admission fees to be received from persons visiting their exhibitions, the entrance fees to be charged exhibitors, the general management of all exhibitions, and in general to do all things and make all contracts and agreements that may be necessary to carry out the objects and exercise the powers incident to the association. 5

When association may commence operations.

11. Before the directors of said association shall undertake the holding of any exhibition, or commence the business and operations contemplated by this Act, they shall secure or have on hand a cash fund of not less than \$5,000. 10

Certain societies authorized to make agreements with and aid association.

12. Notwithstanding anything contained in *The Agriculture and Arts Act*, it shall and may be lawful for all or any of the several societies, corporations, organizations, and associations named in section 4 of this Act, and for any of the corporations, associations, organizations or societies formed, or hereafter to be formed, under the provisions of the said Act, and they, and all and every of them are hereby authorized and empowered, through their several and respective councils or boards of directors, or committees of management and officers, to enter into any arrangements and to make any agreements and contracts with the board of directors of the said association, hereby incorporated, for the holding of exhibitions, and taking part in the exhibitions to be holden by the said association, and otherwise promoting the objects contemplated by this Act, and may aid the same with any funds and moneys belonging to any such association or society not otherwise specially appropriated by any statute of this Province. 15  
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25

Aid from municipalities.

13. The municipal council of any city, town, village, county or township, in this Province, may grant money or land in aid of the said association, or may lend or grant aid by way of bonus to the said association out of any moneys belonging to the municipality, and may effect such loan, or grant such aid, upon such terms and conditions as may be agreed upon between said association and the council of the municipality making such loan or granting such aid, and may recover the money so lent, and may appropriate the moneys so recovered to the purposes of such municipality: provided always that no municipal council shall in any one year grant any such money or bonus to any greater extent than \$5,000, nor shall any money or land be so granted or given under the provisions of *The Municipal Act*, as to by-laws for raising, on the credit of the municipality, money not required for its ordinary expenditure and not payable within the same municipal year; such provisions being those which require and relate to the assent of electors and otherwise. 30  
35  
40  
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Proviso.

Rev. Stat. c. 184

Agreements with municipalities.

14. The council of any municipality and the association hereby incorporated and the directors thereof are hereby respectively authorized to make and enter into any agreements or covenants relating to the holding of any exhibition, and granting and accepting aid for the same, and for the furnishing and providing exhibition grounds and buildings suitable for the purposes of the said association, and for the representation of such municipality in the said association by the appointment of members of the council thereof as representatives to such 45  
50



association; and all the representatives so appointed in pursuance of any such agreement shall become members of the said association and entitled to vote upon all matters and questions submitted or voted upon at all meetings of the association, and every such council may pass by-laws for all and every of the purposes aforesaid and in furtherance of the objects contemplated by this Act as occasion may require, but subject to the special provisions contained in section 13 of this Act.

10 **15.** The corporation of the City of Ottawa may enter into any agreement with the County of Carleton Agricultural Society or the City of Ottawa Electoral District Association guaranteeing the repayment of any moneys contributed by either of the said societies to the said the Central Canada  
 5 Exhibition Association. Guarantee by city of Ottawa of money contributed by Carleton Agricultural Society or Ottawa E. D. Association.

**16.** Sections 5, 6, 15, 16, 17, 30, 31, 41, 72, 73 (1), 74, 75, 78, 81 (1), 82, 83, and 84 of the *Agriculture and Arts Act* are hereby incorporated with, and are to be taken and deemed as part of this Act and shall apply to the said Association and  
 20 to the exhibitions to be held by them as fully as such sections apply to the Agricultural and Arts Association and to exhibitions held by such association, except in so far as they may be inconsistent with the enactments hereof; and the expression "this Act," when used herein, shall be understood to include  
 25 the sections of the said last mentioned Act so incorporated with this Act as aforesaid. Certain sections of Rev. Stat. c. 39 incorporated.

**17.** It shall be lawful for the corporation of the city of Ottawa, at the request of the Central Canada Exhibition Association, to acquire, by expropriation, from time to time,  
 30 such lands in the city of Ottawa or vicinity as may be required for the purposes of the said the Central Canada Exhibition Association; and such power of expropriation shall be exercised subject to the provisions of sections 483, 484, 485, and 486 of *The Municipal Act*, which sections are hereby declared  
 35 applicable. Power to expropriate lands for purposes of association.

**18.** The said association shall not hold their annual exhibition during the week in which the Provincial Fair is held when the said last mentioned fair is held at or east of Kingston, provided that notice of the time and place of holding the  
 40 Provincial Fair shall have been given to the said association before the first day of April in the year in which it is proposed to hold such fair at or east of Kingston. Time of exhibition restricted.

**19.** The corporation of the City of Ottawa may give to the said association a license to use Lansdowne Park and any  
 45 addition which shall be made thereto together with the buildings and improvements thereon for the purposes of holding their exhibitions there for such period not exceeding twenty years, and on such terms and conditions as to the council thereof may seem meet. License to use Lansdowne Park.

**20.** In any action for the recovery of assessments or arrears on assessments upon any guarantee subscription or fund in aid of the association hereby incorporated, subscribed for under the authority of this Act, it shall be sufficient for the said  
 50 Proof in actions for recovery of assessments.

association to allege that the defendant, being a subscriber to said fund, and for an amount to be named, is indebted to the association in respect of assessments made upon the amount of such subscription in the sum due, whereby an action hath accrued to the association by virtue of this Act; and at the trial 5 it shall only be necessary to prove that the defendant was a subscriber to the said guarantee fund for such an amount, and that such assessment was made according to the by-laws and rules of the association. It shall be unnecessary to prove the 10 appointment of the directors who made such assessment, or any other matters whatsoever, except what is before declared; and a copy of any by-law, rule, regulation, or minute, or of any entry in any book of the association, certified to be a true copy or extract, under the hand of the president or vice-president, or the manager, or secretary of the association, and sealed with 15 the corporate seal, shall be received in all Courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute, or entry without further proof thereof, and without proof of the official character of the officer signing the same, or of the corporate seal. 20



**2nd Session, 6th Legislature, 51 Vic., 1888.**

**BILL.**

**An Act to incorporate the Central Canada  
Exhibition Association.**

First Reading,                      , 1888.

(Private Bill.)

**M. BRONSON.**

**TORONTO:**

**PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.**

## An Act relating to the Toronto General Hospital

**W**HEREAS, the trustees of the Toronto General Hospital Preamble.  
are governed by the provisions of section 4 of an Act  
passed in the thirty-ninth year of Her Majesty's reign,  
chaptered 65, and of section 3 of an Act passed in the forty-  
5 second year of Her Majesty's reign, chaptered 90, in regard to the  
general medical staff, and have also by virtue of an Act passed  
in the forty-first year of Her Majesty's reign, chaptered 71, the  
powers relating to the appointment and removal of physicians  
which were vested in the Burnside Lying-in Hospital of  
10 Toronto by the Act passed in the thirty-first year of Her  
Majesty's reign, chaptered 62, and it is expedient to consolidate  
and amend the said provisions :

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of Ontario, enacts as follows :—

- 15 **1.** The trustees of the Toronto General Hospital are author- Appointment  
ised to appoint, from the members of the medical profession of medical  
practising in Toronto, a medical staff to hold their positions at staff.  
the pleasure of the trustees, but to terminate on the 30th day  
of June in each year, any member of the staff to be eligible  
20 for reappointment; and the trustees may pass by-laws (subject  
to the approval of the Lieutenant-Governor in Council) for  
regulating the duties of the staff and matters of routine  
relating to medical attendance.
- 2.** The staff shall consist of two divisions to be called the Divisions of  
25 consulting staff and the active staff. medical staff.
- 3.** The trustees may appoint to the consulting staff any Limitations as  
person who has served for at least six years on the active staff, to consulting  
and not more than six other persons. staff.
- 4.** The members of the active staff may be appointed either Limitations as  
30 generally as physicians or surgeons or assigned to any special to active staff.  
department of medicine or surgery ; except as hereinafter pro-  
vided, those appointed generally shall not exceed twelve, and  
those specially assigned to the Burnside Lying-in Hospital  
shall not exceed five in number.
- 35 **5.** The trustees may also appoint practitioners, whose num- Appointment  
ber, except as hereinafter provided, shall not exceed ten, as an of extra staff  
extra staff and assign to them duties in connection with the and of patho-  
out patients of the hospital ; and also one or more pathologists, logists.  
whose duty it shall be to make *post mortem* examinations of  
40 patients who die in the hospital whenever, in the opinion of  
the physician or surgeon who attended such patient, or of the  
medical superintendent, it shall be desirable so to do.

Service under sec. 5 to qualify for appointment under sec. 3. 6. The extra staff and the pathologists shall, for the purposes of section 3 of this Act, be deemed to be members of the active staff.

Power of trustees to fix and regulate number of staff. 7. Notwithstanding anything hereinbefore contained the trustees may from time to time pass by-laws to fix and regulate the numbers of the staff, either generally or in relation to any department of the work of the hospital, or of any other hospital in the city of Toronto which the trustees may undertake to manage and conduct, but no such by-law shall have force or effect until approved by the Lieutenant-Governor in Council. 5 10

Declaration as to property charged as security for debentures issued under 39 V., c. 65. 8. And whereas, by the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered 65, the hospital endowment of real estate was charged as security for the payment of debentures to the amount of \$50,000, which the trustees were thereby authorized to issue, and by the Act passed in the forty-second year of Her Majesty's reign, chaptered 90, doubts were removed as to the validity of a part of the said debentures and as to the application thereto of the said Act passed in the thirty-ninth year of Her Majesty's reign, chaptered 65; and whereas, since the passing of the last mentioned Act, the trustees of the hospital have acquired, by re-purchasing the same, several parcels of land which had formed part of the original endowment of the hospital but had been sold, which parcels are now enclosed with and form part of the hospital premises, and have also acquired other real estate which had not previously belonged to the hospital, that is to say, certain real estate of the Burnside Lying-in Hospital of Toronto, which was vested in the trustees by the Act passed in the forty-first year of Her Majesty's reign, chaptered 71, with full power to accept, hold, lease, sell, convey and otherwise manage the same, and certain other real estate devised to the trustees by Richard Brooking Butland, late of the city of Toronto, subject to encumbrances by way of mortgage and charged with the payment of certain annuities; and whereas, it is expedient to avoid doubts with regard to the liability as security for the said debentures of the said lands and real estate, and any other lands or real estate which may be acquired by the trustees or may be otherwise held for the use of the hospital; therefore, it is declared and enacted as follows:— 15 20 25 30 35 40

The parcels of land re-purchased as aforesaid shall, for all purposes except the securing of such portions of the unpaid purchase money thereof as may now be charged upon any of them, be deemed to be parts of the hospital endowment and real estate mentioned in the said Act passed in the thirty-ninth year of Her Majesty's reign, chaptered 65, and thereby charged with the said debentures; and the said real estate formerly of the Burnside Lying-in Hospital of Toronto, and the said real estate devised by the said Butland, shall not, nor shall any other lands or real estate which may be acquired by the trustees or otherwise held for the use of the hospital, be deemed or held to be any part of the endowment or real estate mentioned in or charged by the said Act passed in the thirty-ninth year of Her Majesty's reign, chaptered 65, and the said Act passed in the forty-second year of Her Majesty's reign, chaptered 90, but notwithstanding anything in those Acts contained the trustees shall have full power to sell, mortgage or otherwise deal with the same. 45 50 55



No. 15.

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2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL.

An Act relating to the Toronto General  
Hospital.

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First Reading, 1888.

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(Private Bill.)

MR. LEYS.

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TORONTO:

PRINTED BY WARWICK & SON, 26 AND 28 FRONT ST. W.



An Act to incorporate the Peterborough and Chemong  
Lake Railway Company.

**W**HEREAS, Joseph Hickson has acquired that portion of Preamble.  
what was the line of the Cobourg, Peterborough and  
Marmora Railway and Mining Companys' Railway situated  
between Peterborough, and Chemong Lake, in the county of  
5 Peterborough, and whereas, in order to the use of said line,  
the said Joseph Hickson, Robert Wright, Edmund Wragge,  
J. G. Macklin, A. White, Charles Percy and Hugh Paton, have  
by their petition prayed that they may be incorporated into a  
company to take over, hold and operate the said portion of  
10 said railway so acquired as aforesaid; and whereas, it is expedient  
to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

15 **1.** The said Joseph Hickson, Robert Wright, Edmund Incorporation.  
Wragge, J. G. Macklin, A. White, Charles Percy and Hugh  
Paton, together with such other persons and corporations as  
shall in pursuance of this Act, become shareholders in the said  
company, shall be and they are hereby declared to be a body  
20 corporate and politic under the name of "The Peterborough  
and Chemong Lake Railway Company," hereinafter called  
the company.

**2.** The capital stock of the company shall be \$150,000 Capital stock.  
divided into 1500 shares of \$100 each.

25 **3.** Joseph Hickson, Robert Wright, Edmund Wragge, J. G. Provisional  
Macklin, A. White and Charles Percy, shall be the first or directors.  
provisional directors of the company.

**4.** The provisional directors may open stock books, for the First election  
subscription of stock, and upon the subscription of \$30,000 and of directors.  
30 payment of ten per cent. thereon the provisional directors  
shall call a meeting of the shareholders for the election of  
directors, of which, by circular, or otherwise as the directors  
may deem best, one week's notice shall be given stating the  
time and place of meeting; the said meeting shall be held at  
35 the time and place fixed by the directors and mentioned in  
the said notice, and at the said meeting the shareholders shall  
elect directors who shall hold office until  
the next annual election.

**5.** All the provisions of *The Railway Act of Ontario* and Rev. Stat. c.  
40 the Acts amending the same shall apply to the company hereby 170 incor-  
incorporated. porated.

By-laws  
appointing  
time and place  
for meetings.

6. The directors may from time to time make by-laws fixing the time and place of holding general meetings and special general meetings of the company and the notice, and the manner of giving notice, to be given of such meetings.

Company  
empowered to  
take over pro-  
perty acquired  
by J. Hickson.

7. The company may purchase and take over from the said Joseph Hickson the said part of what was the Colourg, Peterborough and Marmora railway and Mining Company's line of railway and property so acquired by him as aforesaid with all the rights, powers and franchises appertaining thereto and they may hold, have and exercise the same and all their corporate powers shall be exercised upon and in respect to the same, in the same manner and as fully as if the company incorporated by this Act had under this Act built and constructed the same to all intents and for all purposes.

Mode of  
payment.

8. The company may pay the said Joseph Hickson, therefor, in such manner and by such means, as he and the directors may agree upon in cash, paid up shares in the capital stock, or bonds, or partly in one or more of said ways, or otherwise as the directors may deem best.

Power to  
build, pur-  
chase, etc.,  
vessels.

9. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work, and manage, and keep in repair steam and other vessels from time to time to ply on the lakes, rivers and canals, of this Province, with which the company's line may connect, and also to make arrangements and agreements with other steamboat and vessel proprietors by chartering or otherwise to ply on said lakes, rivers and canals in connection with the said railway.

Power to  
acquire  
wharves, etc

10. It shall and may be lawful for the company at any point where the railway or any branch thereof, approaches any navigable waters to purchase and hold for the use of the company wharves, piers, docks, water lots, and lands, and upon the said water lots and lands and in and over the waters adjoining the same to build and erect elevators, storehouses and warehouses and engine-houses, sheds, wharves, docks, piers and other erections for the use of the company and steam or other vessels owned, worked or controlled by the company or other vessels and to collect wharfage and storage charges for the use of the same, and also to erect, build and maintain all works necessary and proper for the protection of such works and for the accommodation and convenience of vessels entering, leaving, lying to, loading and unloading within the same and to dredge, deepen and enlarge such works and the said wharves, piers, docks, elevators and other erections as may be deemed expedient or to sell, lease and convey the whole or any portion thereof.

Power to  
make branch  
lines.

11. For the purpose of connecting any mill, manufactory or manufactories, mine or mines or any quarry or quarries or any well or spring, with the railway of the company or with any branch thereof and for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such mill, manufactory, mine, quarry, well or spring, it shall be lawful for the company to build, make and construct, and to work and use all sidings, switches or branch lines of railway, not to exceed in any one case six miles in

length, provided always that the company shall not proceed to locate or build any branch line of more than one quarter of a mile in length, under this section of this Act until public notice shall have been given for six weeks in some newspaper  
 5 published in the county or counties through or in which such branch line is to be made, that it is the intention of the company to apply to the Lieutenant-Governor in Council to sanction the building of such branch line and to appropriate the necessary lands for that purpose under the compulsory powers vested  
 10 in the company by this Act or by any other Act on its behalf, nor unless the company, shall prior to the first publication of such notice have deposited in the registry office of the county or part of a county in which the line, or any part thereof is to be constructed the maps and plans indicating the  
 15 location of the line nor until the company shall have submitted the same to and such maps and plans shall have been approved by the Lieutenant-Governor in Council, after the expiration of the notice, and provided further that the order of the Lieutenant-Governor in Council approving the  
 20 said maps and plans shall limit the time not exceeding two years from the date of such order, within which the company may construct such branch line. For any or every such purpose the company shall have and may exercise all the powers given it with respect to its main line by this Act and *The Railway Act of Ontario*, and any amendments thereto, and each  
 25 and all the provisions of the said Acts, which are applicable to such main line shall extend and apply to every such siding, switch or branch line of railway.

12. Whenever it shall be necessary for the purpose of providing sufficient lands for stations or gravel pits for constructing, repairing, maintaining and using the said railway and in case by purchasing the whole of any lot, or parcel of land  
 30 over which the line is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing, a part only the company may purchase hold, use  
 35 and enjoy such lands, and also the right of way thereto, if the same be separated from their railway and sell and convey the same or part thereof from time to time as they may deem expedient.

Power to acquire whole lots.

13. When stone, gravel, earth or sand is required for the construction, repairing or maintenance of said railway or any part thereof the company may in case it cannot agree with the owner of the land on which the same are situate for the purchase thereof cause a provincial land surveyor to make a  
 40 map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in the case of acquiring the right of way and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for  
 50 right of way and all the provisions of *The Railway Act of Ontario*, and any Act amending the same, as varied and modified by this Act, as to the service of the said notice of arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from  
 55 whom lands may be taken, or who may sell, shall apply to the subject matter of this section and to the obtaining materials as aforesaid and such proceedings may be had by the company,

Power to acquire land for gravel pits.

either for the right to the fee simple, in the land, from which said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

5

Sidings to  
gravel pits.

14. When said gravel, stone, earth or sand shall be taken under the preceding sections of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and the Acts amending the same, and of this Act, except such as relate to filing plans, and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which materials are situated and such right may be so acquired for a term of years, or permanently as the company may think proper and the powers in this and the preceding sections may at all times be exercised and used in all respects after the line is opened for the purpose of repairing and maintaining the said railway.

Agreements  
with Midland  
Ry. Co., for  
running  
powers autho-  
rized.

15. The directors of the company may grant to the Midland Railway of Canada, running powers over their line, or any part thereof or they may make traffic arrangements with the said company, as they may think proper, and for such periods as they may deem best, or they may sell or lease to the said the Midland Railway of Canada, the railway and works, property, rights and franchises of the company hereby incorporated, or they may agree for station or other accommodation, all such agreements, leases or purchases to be on such terms and conditions as the directors of said companies, parties thereto, may deem proper; provided, however, no such agreement shall be binding until it has been submitted to a special general meeting of the shareholders of the company incorporated by this Act, and approved by a majority in value of the said shareholders present in person or by proxy voting at said meeting.

Proviso.

Power to  
become parties  
to promissory  
notes, etc.

16. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than \$100, and any such promissory note made, or endorsed by the president or vice-president of the company and countersigned by the secretary and treasurer of the company and under the authority of a quorum of the directors shall be binding on the company and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to such promissory note; provided however that nothing in this section shall be construed to authorize the company to issue a note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Snow fences.

17. The company may on and after the first day of November in each year enter into and upon any lands of Her Majesty or into and upon the lands of any person whomsoever,

55

lying along the route or line of their railway, or any part thereof, and erect and maintain snow fences thereon, subject to the payment of such land damages if any, as are thereafter established in the manner provided by-law with respect to 5 such railway, to have been actually suffered, but every snow fence so erected shall be removed on or before the first day of April then next.

18. The company may enter into any arrangements with any company for leasing, hiring or using any locomotive, 10 engines or cars, or other rolling stock, or movable property from or to any such company. Hiring rolling stock.

19. The company may construct, work and operate such line or lines of telegraph or telephone in connection with and 15 useful for the purpose of their undertaking. Telegraph and telephone lines.

No. 16.

2nd Session, 6th Legislature, 51 Vic. 1888

BILL.

An Act to incorporate the Peterborough and  
Chenong Lake Railway Company.

First Reading,	1888.
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(Private Bill.)

MR. LEYS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to incorporate the Peterborough and Chemong  
Lake Railway Company.

**W**HEREAS Joseph Hickson, Robert Wright, Edmund Wragge, J. G. Macklin, A. White, Charles Percy and Hugh Paton, have by their petition represented that the said Joseph Hickson has acquired that portion of what was the line of the Cobourg, Peterborough and Marmora Railway and Mining Company's Railway situated between Peterborough, and Chemong Lake, in the county of Peterborough, and whereas, in order to the use of said line, the said Joseph Hickson, Robert Wright, Edmund Wragge, J. G. Macklin, A. White, Charles Percy and Hugh Paton, have by their *said* petition prayed that they may be incorporated into a company to take over, hold and operate the said portion of said railway so acquired as aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Joseph Hickson, Robert Wright, Edmund Wragge, J. G. Macklin, A. White, Charles Percy and Hugh Paton, together with such other persons and corporations as shall in pursuance of this Act, become shareholders in the said company, shall be and they are hereby declared to be a body corporate and politic under the name of "The Peterborough and Chemong Lake Railway Company," hereinafter called the company.

2. The capital stock of the company shall be \$150,000 divided into 1500 shares of \$100 each.

3. The said Joseph Hickson, Robert Wright, Edmund Wragge, J. G. Macklin, A. White and Charles Percy, shall be the first or provisional directors of the company.

4. The provisional directors may open stock books, for the subscription of stock, and upon the subscription of \$30,000 and payment of ten per cent. thereon the provisional directors shall call a meeting of the shareholders for the election of directors, giving at least four weeks' notice in one newspaper published in the town of Peterborough, and in the *Ontario Gazette*, of the time and place of meeting; the said meeting shall be held at the time and place fixed by the directors and mentioned in the said notice, and at the said meeting the shareholders shall elect *five* directors, who shall hold office until the next annual election.

Rev. Stat. c.  
170 incor-  
porated.

5. All the provisions of *The Railway Act of Ontario* and the Acts amending the same shall apply to the company hereby incorporated.

Annual meet-  
ing.

6. The general annual meeting of the shareholders of the company shall be held at such place, and on such days, and at 5 such hours, as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the town of Peterborough during the four weeks preceding the week in which such meeting 10 is to be held.

Special meet-  
ings.

7. Special general meetings of the shareholders of the company may be held at such place, and at such times, and in such manner, and for such purposes, as may be provided by the by-laws of the company, upon such notice as is provided 15 in the last preceding section.

Company  
empowered to  
take over pro-  
perty acquired  
by J. Hickson.

8. The company may purchase and take over from the said Joseph Hickson the said part of what was the Cobourg, Peterborough and Marmora railway and Mining Company's line of railway and property so acquired by him as aforesaid with all 20 the rights, powers and franchises appertaining thereto and they may hold, have and exercise the same and all their corporate powers shall be exercised upon and in respect to the same, in the same manner and as fully as if the company incorporated by this Act had under this Act built and constructed the same to all 25 intents and for all purposes.

Mode of  
payment.

9. The company may pay the said Joseph Hickson therefor, in such manner and by such means as he and the directors may agree upon in cash, paid up shares in the capital stock of the company, or bonds thereof, or partly in one or 30 more of said ways, or otherwise as the directors may deem best.

Power to  
build, pur-  
chase, etc.,  
vessels.

10. It shall and may be lawful for the company to purchase build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair steam and other vessels from time to time to ply on the lakes, rivers and canals, of this Province, 35 with which the company's line may connect, and also to make arrangements and agreements with steamboat and vessel proprietors by chartering or otherwise to ply on said lakes, rivers and canals in connection with the said railway.

Power to  
purchase  
wharves, etc.

11. It shall and may be lawful for the company at any 40 point where the railway, or any branch thereof, approaches within two miles of any navigable waters to purchase and hold for the use of the company, wharves, piers, docks, water lots, water frontages, and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoin- 45 ing the same, to build and erect elevators, storehouses, warehouses and engine houses, sheds, wharves, docks, piers and other erections for the use of the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessels; and to collect wharfage, stor- 50 age and other charges for the use of the same; and also to erect, build, repair and maintain all moles, wharves and docks necessary and proper for the protection of such works,



and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen, and enlarge such works; and the said  
 5 wharves, piers and docks, water lots, water frontages, lands, elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portions thereof, in its discretion to sell, lease or convey. ~~and~~

12. For the purpose of connecting any mill, manufactory  
 10 or manufactories, mine or mines, or any quarry or quarries, or any well or spring, with the railway of the company or with any branch thereof, and for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such mill, manufactory; mine, quarry, well or  
 15 spring, it shall be lawful for the company to build, make and construct, and to work and use all sidings, switches or branch lines of railway, not to exceed in any one case six miles in length; provided always that the company shall not proceed to locate or build any branch line of more than one quarter of a mile in length, under this section of this Act, until public  
 20 notice shall have been given for six weeks in some newspaper published in the county or counties through or in which such branch line is to be made, that it is the intention of the company to apply to the Lieutenant-Governor in Council to sanction the building of such branch line, and to appropriate the necessary lands for that purpose under the compulsory powers vested  
 25 in the company by this Act, or by any other Act on its behalf; nor unless the company shall, prior to the first publication of such notice, have deposited in the registry office of the county or part of a county in which the line, or any part thereof is to be constructed, the maps and plans indicating the location of the line; nor until the company shall have submitted the same to, and such maps and plans shall  
 30 have been approved by, the Lieutenant-Governor in Council after the expiration of the notice, and provided further that the order of the Lieutenant-Governor in Council, approving the said maps and plans shall limit the time, not exceeding two years from the date of such order, within which the company may construct such branch line. For any or every such pur-  
 35 pose the company shall have and may exercise all the powers given it with respect to its main line by this Act and *The Railway Act of Ontario*, and any amendments thereto, and each and all the provisions of the said Acts, which are applicable to such main line shall extend and apply to every such siding, switch or branch line of railway.

Power to make branch lines.

Rev. Stat. c. 170.

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13. When stone, gravel, earth or sand is *or are* required  
 for the construction, or maintenance of said railway or any part thereof the company may, in case it cannot agree with  
 the owner of the land on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a  
 45 map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in the case of acquiring the right of way, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for  
 right of way and all the provisions of *The Railway Act of Ontario*, and any Act amending the same, as varied and  
 50 modified by this Act, as to the service of the said notice of

Power to acquire land for gravel pits.

Rev. Stat. c. 170.

arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section and to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land, from which said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required. 5 10

Sidings to gravel pits.

14.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and the Acts amending the same, and of this Act, except such as relate to filing plans, and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years, or permanently as the company may think proper and the powers in this and the preceding section may at all times be exercised and used in all respects after the line is opened for the purpose of repairing and maintaining the said railway. 15 20

Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, or earth, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply. 25


Agreements with Midland Ry. Co., for running powers authorized.

15. The directors of the company may grant to the Midland Railway of Canada, running powers over their line, or any part thereof or they may make traffic arrangements with the said company, as they may think proper, and for such periods as they may deem best, or they may sell or lease to the said the Midland Railway of Canada, if lawfully empowered to enter into such agreement, the railway and works, property, rights and franchises of the company hereby incorporated, or they may agree for station or other accommodation, all such agreements, leases or purchases to be on such terms and conditions as the directors of said companies, parties thereto, may deem proper; provided, however, no such agreement shall be binding until it has been submitted to a special general meeting of the shareholders of the company incorporated by this Act, and approved by a majority in value of the said shareholders present in person or by proxy voting at said meeting, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province. 30 35 40 45


Proviso.


Negotiable instruments.

16. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than \$100, and any such promissory note or bill of exchange made, accepted, or endorsed by the president of the company and countersigned by the secretary of the said company and under the authority of a quorum of the directors 50

shall be binding on the company and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the person signing the same be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted; provided, however that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank. 

**17.** The company may on and after the first day of November in each year enter into and upon any lands of Her Majesty or into and upon the lands of any person or corporation whatsoever, lying along the route or line of the said railway, or any part thereof, and erect and maintain snow fences thereon, subject to the payment of such damages if any, as are thereafter established in the manner provided by law with respect to such railway, to have been actually suffered, but every snow fence so erected shall be removed on or before the first day of April then next. Snow fences.

**18.** It shall be lawful for the directors of the company to enter into agreement with any company or companies (if lawfully authorized to enter into such an agreement), person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies (if so lawfully authorized), for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.  Agreements for use of rolling stock, etc.

**19.** For the purpose of constructing, working, and protecting the telegraph and telephone lines to be constructed by the company on their line of railway, the powers conferred on telegraph and telephone companies by *The Act respecting Electric Telegraph Companies* are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph and telephone lines shall apply to any such telegraph and telephone lines constructed by the company.  Telegraph and telephone lines.  
Rev. Stat. c. 158.

2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL.

An Act to incorporate the Peterborough and  
Chenong Lake Railway Company.

*Reprinted as amended by Railway  
Committee.*

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First Reading, 8th February, 1888.

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Mr. LEYS.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting a certain Agreement made between the Town of Lindsay, the Midland Railway of Canada and the Grand Trunk Railway of Canada.

**W**HEREAS, a certain agreement, dated the twentieth day of May, A.D. 1887, was entered into between the corporation of the town of Lindsay, the Midland Railway of Canada, and the Grand Trunk Railway of Canada (which agreement forms the schedule of this Act), for the purposes in said agreement set out; and whereas, the companies have erected the said works in said agreement mentioned, and they desire that the said agreement shall be confirmed and given full effect to, and that the validity thereof should be placed beyond all doubt; and whereas the said companies respectively have by their respective petitions prayed that an Act may be passed confirming the said agreement and giving full effect thereto; and whereas, it is expedient to grant the prayer of the said petitions:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The agreement set out in the schedule to this Act is hereby confirmed and declared legal, valid and binding to all intents and for all purposes, and it shall be lawful for the corporation of the town of Lindsay to do any and all acts necessary to give full effect to the said agreement according to the spirit, true intent, and meaning thereof.

#### SCHEDULE.

This agreement made this twentieth day of May, A.D. 1887,

By and between the corporation of the town of Lindsay, hereinafter called the Corporation, of the first part,  
the Midland Railway of Canada, of the second part,  
and the Grand Trunk Railway Company, of the third part.

Whereas the said Railway Companies propose to erect and maintain, in the town of Lindsay, a certain locomotive running shed, of not less dimensions than two hundred and fifty feet in length, by forty-eight in width, and to extend the capacity of their works in the town of Lindsay as their requirements may make necessary;

And whereas, the said Railway Companies have applied to the said corporation to grant them certain privileges and exemptions from taxation, and to close up portions of certain streets hereinafter mentioned, and the said corporation has agreed to do so upon the conditions hereinafter mentioned. 5

Therefore, this agreement witnesseth that the parties hereto have and they severally hereby do covenant and agree each with the other in the manner following, that is to say :—

1. The Midland Railway of Canada covenant and agree, in consideration of the covenants hereinafter contained on the 10 part of the corporation being by them performed, to erect and maintain, in the town of Lindsay, a locomotive running shed, of not less dimensions than two hundred and fifty feet in length and forty-eight feet in width, and to extend the capacity of their works in the town of Lindsay, as their 15 interest or the interest of the Grand Trunk Railway Company may make it necessary.

2. That in the said locomotive running shed, and on the engines running to and from said shed, and in the work shops and in the business of the said Railway Companies connected 20 therewith, altogether in the town of Lindsay, the said two Railway Companies will employ twenty-five resident employees, in addition to the number now employed, making a total of fifty-three resident employees all told, which shall be the minimum number employed, for the term of ten years from 25 the first of January, 1888.

3. The corporation covenants and agrees, in consideration of and upon the condition of the performance of the covenants and agreements herein contained on the part of the said Railway Companies being by them performed, that for the 30 period of ten years, from the first January, 1888, the whole of the assessable property of the said companies and each of them now owned, or which at any time during the said ten years shall be acquired by one or both of the said companies in the town of Lindsay, no matter what 35 changes may be made in the assessment laws of this Province, shall be assessed at the sum of thirty thousand dollars (\$30,000), and that in each of the said ten years the said last-mentioned sum shall be all the companies or either of them shall be assessed for or called upon to pay taxes upon, and the rate of 40 assessment on this shall be that in each year struck on the general assessment for the said town, the above includes all lands, buildings and assessable property whatsoever now owned, or which may hereafter be acquired or built in the said town of Lindsay by the said companies, or either of them, and 45 actually used for railway purposes, or in the business of the said companies, or either of them, and which shall be liable to assessment during the said period of ten years; provided always, that any residence, dwelling houses, or other improvements not actually required for railway purposes hereafter 50 erected on any land now owned or hereafter purchased by the said Railway Companies, or either of them, and the land on which they are erected shall be liable to assessment and taxation in the usual way; but any building or dwelling on land purchased in order to carry out this agreement, and the lands 55 used therewith, if occupied by the company or their employees, shall not be liable to assessment. And provided also that, in

case the said companies, or either of them, sell or dispose of any part of their property in the town of Lindsay, or lease or let the same to any person other than one of their employees, the same shall thenceforth be liable to assessments and taxation in the usual way.

4. That the corporation hereby releases the Midland Railway of Canada of and from all the provisions of a certain bond dated May 16th, 1874, from the Victoria Railway to the said corporation, and the said companies parties hereto, and each of them, are hereby respectively released from the performance of the conditions of the said bond, and from all judgments, actions, decrees whatsoever based or founded thereon, and from the penalty of the said bond.

5. That the corporation will, by lawful means, close, or cause to be closed, absolutely that portion of Dale street and Main street, coloured yellow on plan marked "B" hereunto annexed, and that portion of Durham Street, Victoria Avenue and Hamilton street coloured red on said plan, when and so soon as the companies, or either of them, have made arrangements with the property holders on the south side of Durham street, between Hamilton street and the east side of Victoria avenue, consenting thereto; provided, however, if the corporation are prevented by legal proceedings from complying with this covenant they shall not be liable in damages because thereof.

6. That it shall be lawful for the said railways, or either of them, to change the grade of the line of the Midland Railway upon the street known as Victoria avenue, in the town of Lindsay, from the present grade to the grade proposed and shown on plan hereto annexed, and marked "A," the proposed grade being indicated by the red line as mentioned on the plan.

7. The said Railway Companies severally covenant and agree that they will, at their own costs, charges and expenses, make and put in all approaches, grades and crossings of streets rendered necessary by the alterations of said grade on Victoria avenue, so as not to interfere with the travel across or along the avenue, and to make up the road in as good condition as at present.

8. That the term of ten years above fixed by this agreement shall be extended indefinitely so long as they, the said railway companies, or either of them, comply with all the covenants and conditions before mentioned,—that is, continue and maintain the said locomotive running shed and other works above mentioned, in the said town of Lindsay, and continue in their employ the number of resident employees above mentioned in the employment above mentioned.

9. That if the said Railway Companies, or either of them, so require, the corporation will join in getting an Act of the Local Legislature to confirm and give full effect to this agreement.

10. That the provisions of this agreement shall by the parties hereto be carried out with all reasonable despatch, and that each shall abide by, keep and perform the same according to its spirit, true intent and meaning.

In witness whereof the said parties hereto have hereunto set their respective corporate seals on the day and year first above written.

Signed, sealed and }  
delivered in the } The Corporation of the Town of Lindsay: 5  
presence of }

By Mayor.

The Midland Railway of Canada:

By President.

The Grand Trunk Railway of Canada: 10

By General Manager.





2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act respecting a certain Agreement made between the Town of Lindsay, the Midland Railway of Canada and the Grand Trunk Railway Company of Canada

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First Reading, 1888.

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(Private Bill.)

Mr. LEYS.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to incorporate the Town of Markdale.

WHEREAS, the unincorporated village of Markdale, in the county of Grey, has a population of one thousand souls or thereabouts, which is rapidly increasing and will increase, owing to the superior shipping facilities enjoyed by said village, its proximity to valuable water privileges and other causes; and whereas, for sanitary and other reasons it is necessary to increase the area of said village beyond the limits assigned to incorporated villages by *The Municipal Act*; and whereas, the inhabitants of said village have by their petition represented that it is desirable to have said village incorporated as a town, in order to enable them more readily and efficiently to carry out necessary improvements: and whereas, it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. From and after the passing of this Act the inhabitants of the said village of Markdale resident within the boundaries hereinafter described, shall be and they are hereby constituted a corporation or body politic, under the name of the "Corporation of the town of Markdale," separate and apart from the townships of Artemesia and Glenelg, in which the said village is situated, and they shall have and enjoy all the rights, powers and privileges now enjoyed, or which shall hereafter be conferred upon towns in the Province of Ontario.

2. The said Town of Markdale is hereby declared to comprise and consist of the following parcels of land, with the intervening roads, streets and highways, that is to say, lots numbers ninety-five to one hundred and four inclusive, in the first concession north-easterly of the Toronto and Sydenham road, in the Township of Artemesia, lots ninety-five to one hundred and four inclusive in the first concession, and lots ninety-eight to one hundred and two inclusive in the second concession south-westerly of the Toronto and Sydenham road aforesaid, in the township of Glenelg, containing twelve hundred and fifty acres more or less exclusive of roads; which said described lands and premises, with the intervening roads, streets and highways, shall hereafter be detached from the said townships and become the property of the said town of Markdale, in the same manner and to the same extent as if the said town of Markdale had been incorporated under *The Municipal Act*; and all the provisions of the said Act, so far as the same relate to the disposition of real property in the case of the incorporation of a village under said Act, shall be taken to apply to the said town of Markdale.

Town incor-  
porated.Limits of  
town.Rev. Stat. c.  
184.

**Wards.**

3. The said town of Markdale shall be divided into three wards, to be named respectively, North Ward, South Ward, and East Ward:

1. North Ward shall consist of all that portion of said town comprised within the limits of the township of Glenelg lying north-westerly of Mill street, otherwise known as the side road between lots numbers one hundred and one hundred and one; 5

2. South Ward shall consist of all that portion of said town within the limits of the township of Glenelg aforesaid lying south-easterly of Mill street aforesaid, otherwise the said side road between lots one hundred and one hundred and one; 10

3. East Ward shall consist of all that portion of said town lying within the limits of the township of Artemesia.

**Nomination for first election of mayor and councillors.**

4. After the passing of this Act it shall be lawful for William L. Young, of the said town of Markdale, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, reeve and councillors, in Hasket's Hall, in the said town of Markdale, at the hour of noon, on the first Monday in the month of May next ensuing after the passing of this Act, of which he shall give at least one week's notice in the *Standard* newspaper, published in the said town, and by a like notice, posted up in at least two conspicuous places in each of the wards of said town; and the said William L. Young shall preside at the said nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, in the event of there being a poll required, shall be held in the several wards of said town on the same day of the week in the week next following the said nomination, and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling shall be held. 20 25 30

**Deputy returning officers.**

5. The said returning officer shall by his warrant appoint a deputy returning officer for each of the wards into which the said town is divided, and such returning officer and each of such deputy returning officers shall, before holding said election, take the oath or affirmation required by law, and shall severally be subject to all the provisions of the municipal laws of Ontario applicable to returning officers at elections in towns, so far as the same are consistent with this Act; and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns. 35 40 45

**Constitution and election of council.**

6. The council for the said town, to be elected as aforesaid, shall consist of a mayor, who shall be head thereof, a reeve and nine councillors, three councillors for each ward: the mayor and reeve shall be elected by the general vote of all the electors in said town, and the councillors for each of the wards by the electors of each ward; and the said council and their successors in office shall have, use, exercise and enjoy all the rights, powers and privileges conferred by the municipal laws of Ontario, and shall be subject to all the duties and liabilities imposed by said laws on such councils. 50 55

7. The council for said town, to be elected as aforesaid, shall hold its first meeting in Haskett's Hall aforesaid, at noon, on the same day of the week in the week next following the polling; and if there be no polling, on the same day of the week in the week next following the nomination.

First meeting  
of council.

8. The clerks of the said townships of Artemesia and Glenelg shall, upon demand made upon them severally by the said returning officer or chairman hereinbefore mentioned, immediately furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll of each of the said townships as may be required to ascertain the names of all persons entitled to vote in each of the said townships at the said first election; and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of the electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Township  
clerks to fur-  
nish copies of  
assessment  
rolls.

9. At the first election of mayor, reeve and councillors for the said town of Markdale the qualification of the electors, and that of the other officers required to qualify, shall be the same as that required in townships, and the qualification of mayor shall be the same as that of a reeve in a township.

Qualification  
at first elec-  
tion.

10. The several persons who shall be elected or appointed under this Act shall take and subscribe the declaration of office and qualification now required by the municipal laws of Ontario, to be taken by persons elected or appointed to like offices in towns.

Oaths of office  
and qualifica-  
tion.

11. The said town of Markdale shall be entitled to recover from each of the said townships of Artemesia and Glenelg such proportionate share of the assets belonging to each of the said townships, and such proportionate share of all moneys on hand and unappropriated, and of all money owing to and collectable by and of right belonging to each of the said townships respectively at and prior to the time this Act shall come into force, or thereafter, if entitled thereto as the assessed value of that portion of said town lying within the limits of each of the said townships respectively, as shown by the revised assessment roll for the year one thousand eight hundred and eighty-seven, shall bear to the whole assessed value of each of the said townships respectively for the said year; and the said town shall be liable to pay to each of the said townships respectively a share in the same proportion of all debts and liabilities existing against each of the said townships respectively at the time above mentioned as the same shall become due, and which are fairly and equitably chargeable against the said town; and in case of dispute, the share to be paid and the share to be borne by each respectively shall be determined by arbitration according to the provisions of the municipal laws of Ontario.

Assets and  
liabilities.

12. The expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, rolls, writings, deeds, or any matter or thing whatsoever required by the said returning officer or chairman, or by the clerk or other officers of the said town, or otherwise, shall be borne by the said town of Markdale, and paid by it to any person or party entitled thereto.

Expenses of  
Act.

No. 18.

2nd Session. 6th Legislature, 51 Vic, 1888.

BILL.

An Act to incorporate the Town of  
Markdale.

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First Reading, 1888.

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(Private Bill)

Mr. BORKE.

## An Act to incorporate the Village of Markdale.

WHEREAS the unincorporated village of Markdale, in the county of Grey, has a population of one thousand souls or thereabouts, which is rapidly increasing and will increase, owing to the superior shipping facilities enjoyed by said village, and whereas, for sanitary and other reasons it is necessary to increase the area of said village beyond the limits assigned to incorporated villages by *The Municipal Act*; and whereas, the inhabitants of said village have by their petition represented that it is desirable to have said village incorporated in order to enable them more readily and efficiently to carry out necessary improvements; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. From and after the passing of this Act the inhabitants of the said *unincorporated* village of Markdale resident within the boundaries hereinafter described, shall be and they are hereby constituted a corporation or body politic, under the name of the "Corporation of the *village* of Markdale," separate and apart from the townships of Artemesia and Glenelg, in which the said village is situated, and they shall have and enjoy all the rights, powers and privileges now enjoyed, or which shall hereafter be conferred upon *incorporated villages* in the Province of Ontario.

2. The said *village* of Markdale is hereby declared to comprise and consist of the following parcels of land, with the intervening roads, streets and highways, that is to say, lots numbers ninety-eight to one hundred and four inclusive, in the first concession north-easterly of the Toronto and Sydenham road, in the Township of Artemesia, lots ninety-eight to one hundred and four inclusive in the first concession, and lots ninety-eight to one hundred and two inclusive in the second concession south-westerly of the Toronto and Sydenham road aforesaid, in the township of Glenelg, containing ten hundred and fifty acres more or less exclusive of roads; which said described lands and premises, with the intervening roads, streets and highways, shall hereafter be detached from the said townships and become the property of the said *village* of Markdale, in the same manner and to the same extent as if the said *village* of Markdale had been incorporated under *The Municipal Act*; and all the provisions of the said Act, so far as the same relate to the disposition of real property in the case of the incorporation of a village under said Act, shall be taken to apply to the said *village* of Markdale.

Village incorporated.

Limits of village.

Rev. Stat. c. 184.

Nomination  
for first elec-  
tion of mayor  
and coun-  
cillors.

3. After the passing of this Act it shall be lawful for William L. Young, of the said *village* of Markdale, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and *four* councillors, in Haskett's Hall, in the said *village* of Markdale, at the hour of noon, on the first Monday in the month of May next ensuing after the passing of this Act, of which he shall give at least one week's notice in the *Standard* newspaper, published in the said *village*, and by a like notice, posted up in at least *ten* conspicuous places in the said *village*; and the said William L. Young shall preside at the said nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, in the event of there being a poll required, shall be held in Haskett's Hall aforesaid in the said *village*, on the same day of the week in the week next following the said nomination, and the duties of the said returning officer shall be the same as those required by law in respect to incorporated villages.

First meeting  
of council.

4. The council for said *village*, to be elected as aforesaid, shall hold its first meeting in Haskett's Hall aforesaid, at noon, on the same day of the week in the week next following the polling, and if there be no polling, on the same day of the week in the week next following the nomination.

Township  
clerks to fur-  
nish copies of  
assessment  
rolls.

5. The clerks of the said townships of Artemesia and Glenelg shall, upon demand made upon them severally by the said returning officer or chairman hereinbefore mentioned, immediately furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll of each of the said townships as may be required to ascertain the names of all persons entitled to vote in each of the said townships at the said first election.

Qualification  
at first elec-  
tion.

6. At the first election the qualification of the electors and of the reeve and councillors for the said *village* and that of the other officers required to qualify, shall be the same as that required in townships, and at all subsequent elections the qualification of the electors and of the reeve, councillors and other officers, shall be the same as that required in incorporated villages.

Oaths of office  
and qualifica-  
tion.

7. The several persons who shall be elected or appointed under this Act shall take and subscribe the declaration of office and qualification now required by the municipal laws of Ontario, to be taken by persons elected or appointed to like offices in *villages*.

Assets and  
liabilities.

8. The said *village* of Markdale shall be entitled to recover from each of the said townships of Artemesia and Glenelg such proportionate share of the assets belonging to each of the said townships, and such proportionate share of all moneys on hand and unappropriated, and of all money owing to and collectable by and of right belonging to each of the said townships respectively at and prior to the time this Act shall come into force, or thereafter, if entitled thereto as the assessed value of that portion of said *village* lying within the limits of



each of the said townships respectively, as shown by the revised assessment roll for the year one thousand eight hundred and eighty-seven, shall bear to the whole assessed value of each of the said townships respectively for the said year; 5 and the said *village* shall be liable to pay to each of the said townships respectively a share in the same proportion of all debts and liabilities existing against each of the said townships respectively at the time above mentioned as the same shall become due, and which are fairly and equitably chargeable 10 against the said *village*; and in case of dispute, the share to be paid and the share to be borne by each respectively shall be determined by arbitration according to the provisions of the municipal laws of Ontario.

9. The expenses incurred to obtain this Act, and of Expenses of  
 15 furnishing any documents, copies of papers, rolls, writings, <sup>Act.</sup>  
 deeds, or any matter or thing whatsoever required by the said  
 returning officer or chairman, or by the clerk or other officers  
 of the said *village*, or otherwise, shall be borne by the said  
*village* of Markdale, and paid by it to any person or party  
 20 entitled thereto.

No. 18.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to incorporate the Village of  
Markkale.

*(Reprinted as amended by Private Bills  
Committee.)*

First Reading, 13th February, 1888.

(Private Bill.)

MR. RORKE.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to incorporate the Village of Markdale.

WHEREAS the unincorporated village of Markdale, in the county of Grey, has a population of one thousand souls or thereabouts, which is rapidly increasing and will increase, owing to the superior shipping facilities enjoyed by said village, its proximity to valuable water privileges, and other causes; and whereas, for sanitary and other reasons it is necessary to increase the area of said village beyond the limits assigned to incorporated villages by *The Municipal Act*; and whereas, the inhabitants of said village have by their petition represented that it is desirable to have said village incorporated in order to enable them more readily and efficiently to carry out necessary improvements; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. From and after the passing of this Act the inhabitants of the said *unincorporated* village of Markdale resident within the boundaries hereinafter described, shall be and they are hereby constituted a corporation or body politic, under the name of the "Corporation of the *village* of Markdale," separate and apart from the townships of Artemesia and Glenelg, in which the said village is situated, and they shall have and enjoy all the rights, powers and privileges now enjoyed, or which shall hereafter be conferred upon *incorporated villages* in the Province of Ontario.

2. The said *village* of Markdale is hereby declared to comprise and consist of the following parcels of land, with the intervening roads, streets and highways, that is to say, lots numbers ninety-eight to one hundred and four inclusive, in the first concession north-easterly of the Toronto and Sydenham road, in the Township of Artemesia, lots ninety-eight to one hundred and four inclusive in the first concession, and lots ninety-eight to one hundred and two inclusive in the second concession south-westerly of the Toronto and Sydenham road aforesaid, in the township of Glenelg, containing *ten* hundred and fifty acres more or less exclusive of roads; which said described lands and premises, with the intervening roads, streets and highways, shall hereafter be detached from the said townships and become the property of the said *village* of Markdale, in the same manner and to the same extent as if the said *village* of Markdale had been incorporated under *The Municipal Act*; and all the provisions of the said Act, so far as the same relate to the disposition of real property in the case of the incorporation of a village under said Act, shall be taken to apply to the said *village* of Markdale.

Village incorporated.

Limits of village.

Rev. Stat. c. 184.

Nomination for first election of mayor and councillors.

3. After the passing of this Act it shall be lawful for William L. Young, of the said *village* of Markdale, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and *four* councillors, in Haskett's Hall, in the said *village* of Markdale, at the hour of noon, on the first Monday in the month of May next ensuing after the passing of this Act, of which he shall give at least one week's notice in the *Standard* newspaper, published in the said *village*, and by a like notice, posted up in at least *ten* conspicuous places in the said *village*; and the said William L. Young shall preside at the said nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, in the event of there being a poll required, shall be held in Haskett's Hall aforesaid in the said *village* on the same day of the week in the week next following the said nomination, and the duties of the said returning officer shall be the same as those required by law in respect to incorporated villages.

First meeting of council.

4. The council for said *village*, to be elected as aforesaid, shall hold its first meeting in Haskett's Hall aforesaid, at noon, on the same day of the week in the week next following the polling, and if there be no polling, on the same day of the week in the week next following the nomination.

Township clerks to furnish copies of assessment rolls.

5. The clerks of the said townships of Artemesia and Glenelg shall, upon demand made upon them severally by the said returning officer or chairman hereinbefore mentioned, immediately furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll of each of the said townships as may be required to ascertain the names of all persons entitled to vote in each of the said townships at the said first election.

Qualification at first election.

6. At the first election the qualification of the electors and of the reeve and councillors for the said *village* and that of the other officers required to qualify, shall be the same as that required in townships, and at all subsequent elections the qualification of the electors and of the reeve, councillors and other officers, shall be the same as that required in incorporated villages.

Oaths of office and qualification.



7. The several persons who shall be elected or appointed under this Act shall take and subscribe the declaration of office and qualification now required by the municipal laws of Ontario, to be taken by persons elected or appointed to like offices in *villages*.

Assets and liabilities.

8. The said *village* of Markdale shall be entitled to recover from each of the said townships of Artemesia and Glenelg such proportionate share of the assets belonging to each of the said townships, and such proportionate share of all moneys on hand and unappropriated, and of all money owing to and collectable by and of right belonging to each of the said townships respectively at and prior to the time this Act shall come into force, or thereafter, if entitled thereto as the assessed value of that portion of said *village* lying within the limits of

each of the said townships respectively, as shown by the revised assessment roll for the year one thousand eight hundred and eighty-seven, shall bear to the whole assessed value of each of the said townships respectively for the said year; 5 and the said *village* shall be liable to pay to each of the said townships respectively a share in the same proportion of all debts and liabilities existing against each of the said townships respectively at the time above mentioned as the same shall become due, and which are fairly and equitably chargeable 10 against the said *village*; and in case of dispute, the share to be paid and the share to be borne by each respectively shall be determined by arbitration according to the provisions of the municipal laws of Ontario.

9. The expenses incurred to obtain this Act, and of Expenses of  
 15 furnishing any documents, copies of papers, rolls, writings, <sup>Act.</sup>  
 deeds, or any matter or thing whatsoever required by the said  
 returning officer or chairman, or by the clerk or other officers  
 of the said *village*, or otherwise, shall be borne by the said  
*village* of Markdale, and paid by it to any person or party  
 20 entitled thereto.

 10. The said village shall, for the purposes of <sup>Village to form</sup>  
 representation in the Legislature of the Province of Ontario, <sup>part of elec-</sup>  
 belong to and form part of the electoral district of Centre <sup>toral district</sup>  
 Grey.  Centre Grey.

No. 18.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to incorporate the Village of  
Markdale.

*Reprinted as again amended by Com-  
mittee of the Whole House*

First Reading, 13th February, 1888.  
Second " 5th March, 1888.

(Private Bill)

MR. BORKE.

TORONTO:

PRINTED BY WARWICK & SON, 96 AND 98 FRONT ST. W.

An Act to amend the Acts respecting the St. Catharines, Meritton and Thorold Street Railway Company.

**W**HEREAS, the St. Catharines, Meritton and Thorold Street Railway Company have by their petition set forth that the said company is now, with the authority of the several municipalities through which the railway of the said company passes, using electricity as the motive power for its railway, and that it is desirous of obtaining powers to enter into contracts for the sale or lease of the right of user of such electric power as shall not be required for the purpose of operating its road; and that for providing the means for such introduction and use of electricity it is expedient that the capital stock and borrowing power of the company should be increased; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of the Act passed in the forty-fifth year of Her Majesty's reign, chaptered 63, is hereby amended by inserting after the word "time," in the third line thereof, the words "to increase the capital of the said company for such amount or amounts as occasion may require," and by striking out the words "thirty-five," in the fourth line thereof, and inserting in lieu thereof the words "one hundred."

2. The said company may construct, maintain, complete and operate works for the production of electricity for the motive power of said railway, and enter into contracts for the sale and distribution of power produced by electricity, and may conduct the same by any means through, under and along the streets and highways of the municipalities through which said railway passes, but only upon and subject to such agreement in respect thereof as shall be made between the company and the said municipalities, and under and subject to any by-law or by-laws of the councils of the said municipalities passed in pursuance thereof.

3. Sections 54, 55, 58, 59, 61, and 83 to 97, both inclusive, of *The Act respecting Joint Stock Companies for supplying cities, towns and villages with gas and water*, shall be read as forming part of this Act, except that the said sections shall for the purposes of this Act be read as providing for the passage and supply of power produced by electricity instead of the passage and supply of water or gas, the word "electricity"

Preamble.

45 V. c. 63, s. 6 amended.

Powers as to production, sale and use of electricity.

Rev. Stat. c. 164, ss. 54, 55, 58, 59, 61 and 83 to 97 incorporated.

being for the purposes aforesaid substituted for the words "gas or water" or "gas and water" or "gas," and the words "wires and conductors" or "wires or conductors" being substituted for the words "mains and pipes" or "mains or pipes," wherever the said words occur in the said sections.





No. 19.

2nd Session, 6th Legislature, 51 Vie., 1888.

BILL.

An Act to amend the Acts respecting the  
St. Catharines, Meriton and Thorold  
Street Railway Company.

First Reading,	1888.
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(Private Bill.)

Mr. GARSON.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Acts respecting the St. Catharines, Merritton and Thorold Street Railway Company.

**W**HEREAS the St. Catharines, Merritton and Thorold Street Railway Company have by their petition set forth that the said company is now, with the authority of the several municipalities through which the railway of the said company passes, using electricity as the motive power for its railway; and that for providing the means for such introduction and use of electricity it is expedient that the borrowing power of the company should be increased; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The Directors of the said "The St. Catharines, Merritton and Thorold Street Railway Company" are hereby authorized to make and issue from time to time bonds of the Company to the total extent of \$100,000, such bonds to be in sums of not less than \$100, and on such terms and credit as they may think proper, which said bonds shall be taken and considered to be the first preferential claim and charge upon the undertaking and real property of the company, including the rolling stock and equipments now existing and at any time hereafter acquired, subject always to the lien of any unpaid vendor in respect of any of said property, and each holder of the said bonds to be issued as hereinbefore provided shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the Company as aforesaid; Provided always that the consent of three-fourths in value of the stockholders of the Company, present or represented by proxy at said meeting, shall be first had and obtained at a special meeting to be called and held for either or both of the purposes aforesaid; Provided further that under the provisions of this section there shall not be made or issued any bond or bonds whatsoever unless and until all the outstanding bonds heretofore made or issued under and by virtue of section 6 of the Act passed in the forty-fifth year of Her Majesty's reign and chaptered 63, and the debt and liability thereby or thereunder created have been retired, paid up and completely satisfied and discharged by the Company, or unless and until the said Company has obtained the assent in writing of all the holders of said outstanding bonds to the making and issuing of bonds of the Company under the provisions of this section.

**2.** The said company may construct, maintain, complete and operate works for the production of electricity for the motive power of said railway.

No. 19.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to amend the Acts respecting the  
St. Catharines, Merriton and Thorold  
Street Railway Company.

*Re-printed as amended by Railway  
Committee.*

First Reading, 7th February, 1888.

(Private Bill)

Mr. GARSON.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to amend the Acts respecting the St. Catharines, Merritton and Thorold Street Railway Company.


**W**HEREAS the St. Catharines, Merritton and Thorold Street Railway Company have by their petition set forth that the said company is now, with the authority of the several municipalities through which the railway of the said company passes, using electricity as the motive power for its railway; and that for providing the means for such introduction and use of electricity it is expedient that the borrowing power of the company should be increased; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Directors of the said "The St. Catharines, Merritton and Thorold Street Railway Company" are hereby authorized from time to time to increase the capital stock of the said company for such amount or amounts as occasion may require, but not exceeding in the whole the sum of \$50,000, and to make and issue from time to time bonds of the company to the total extent of \$100,000, such bonds to be in sums of not less than \$100, and on such terms and credit as they may think proper, which said bonds shall be taken and considered to be the first preferential claim and charge upon the undertaking and real property of the company, including the rolling stock and equipments now existing and at any time hereafter acquired, subject always to the lien of any unpaid vendor in respect of any of said property, and each holder of the said bonds to be issued as hereinbefore provided shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid; Provided always that the consent of three-fourths in value of the stockholders of the company, present or represented by proxy at said meeting, shall be first had and obtained at a special meeting to be called and held for either or both of the purposes aforesaid; Provided further that under the provisions of this section there shall not be made or issued any bond or bonds whatsoever unless and until seventy-five per cent. of the holders of the outstanding bonds heretofore made or issued under and by virtue of section 6 of the Act passed in the forty-fifth year of Her Majesty's reign and chaptered 63, shall have signified in writing their consent to such issue, and such consent or consents shall have been deposited with the Bank of Toronto, at St. Catharines, and no greater amount

Preamble.

Issue of bonds authorized.

of bonds shall from time to time be issued under the provisions of this section, than shall be equal in amount to two and six-sevenths times the amount of the outstanding bonds represented by any such consent or consents so deposited as aforesaid. 

Use of electricity authorized.

2. The said company may construct, maintain, complete and operate works for the production of electricity for the motive power of said railway.



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2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL.

An Act to amend the Acts respecting the  
St. Catharines, Merriton and Thorold  
Street Railway Company.

*(Re-printed as again amended by Com-  
e le use.)*

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First Reading, 7th February, 1888.  
Second " 2nd March, 1888.

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Mr. GARSON.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



An Act to authorize Eliza Howison and others to sell certain lands.

**W**HEREAS, Eliza Howison, of the town of Brockville, Preamble.  
widow, and her children Thomas Howison, George  
Charles Howison, Edward Howison, Annie Mary Bates, William  
Henry Howison, Robert James Howison, Walter Shanley  
5 Howison, and Ada F. Howison have, by their petition, repre-  
sented that Edward Harrison, late of the town of Brockville,  
gentleman, now deceased, died, having first made his last will  
and testament, whereby, after a certain specific devise, it is  
contained as follows:—"In the fourth place, I give and devise  
10 unto my said daughter Eliza Howison all the rest and  
residue of the lands, tenement and hereditaments now  
owned by me (except such lands as are held by me as  
mortgagee or trustee) to have and to hold the same unto  
my said daughter for and during the term of her natural  
15 life, without impeachment for waste; and immediately  
after the decease of my said daughter Eliza, I give and  
devise the said lands, tenements, and hereditaments so  
devised to my said daughter for her lifetime unto such  
children of my said daughter as she shall leave her surviving,  
20 and to the issue of such child or children of my said daughter  
as shall have died before my said daughter, leaving issue, in  
such proportions as that each child of my said daughter who  
shall be living at the time of her decease shall have such share  
as would have gone to him or her under this will if all the  
25 children of my said daughter then living, and those who had  
died leaving issue had been living, and the issue of each child  
of my said daughter who shall be dead shall have, in equal  
shares, the share which their parent would have received if  
living;" that the said deceased left a large quantity of valu-  
30 able real estate besides the real estate specifically devised; that  
George Howison, husband of the said Eliza Howison, died some  
years ago, leaving him surviving the said Eliza Howison, who  
is now a woman advanced in years and past child bearing,  
his widow, and the other petitioners and one Emma Sarah  
35 Bagg, since deceased, the only issue and children of the said  
Eliza Howison; that the said late Emma Sarah Bagg died  
leaving two infant children her surviving; that the said real  
estate, while valuable if sold, is and was largely unproductive,  
and that the petitioners have not the means to improve the  
40 same, and that the income derived from said real estate is very  
small, and the taxes on the property in the said town of Brock-  
ville form a very serious charge upon it; that at the time when  
it was evident that there would be no more children of said  
Eliza Howison, the petitioners contracted to sell, and did sell,  
45 certain parts of the real estate of the said testator, but doubts

have arisen as to the power of the said Eliza Howison and her children to convey a good title during the lifetime of the said Eliza Howison, in consequence of the said recited clause of the said will; and that it is desirable to confer on said petitioners power to sell and convey the said lands and premises of the said testator's estate; and praying that the sales heretofore made may be confirmed, and that power may be given to sell all or any part of said lands and premises belonging to the estate of the said testator; and whereas, it is expedient to grant the prayer of the said petition: 5 10

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sale of land authorized.

1. The lands and premises belonging to the said testator at the time of his decease may, notwithstanding anything in his will contained, be sold and conveyed in the following manner, namely, by deed of conveyance, executed by all the children and grandchildren of the said Eliza Howison who shall, at the time of such conveyance, be of the full age of twenty-one years, and under no disability other than coverture; and, during the lifetime of the said Eliza Howison, no such deed or conveyance shall in any way operate against her until and unless she shall consent thereto by the same or any other deed or conveyance. 15 20

Application of proceeds of sales.

2. The proceeds of any such sale or sales, after payment of the expenses of obtaining this Act, and all proper and reasonable costs, charges, and expenses of effecting and carrying out such sale or sales, as the same may be from time to time received, shall be applied as follows: the net amount received in each case to be divided into nine equal shares, and one of such shares shall belong to each of the children of the said Eliza Howison, and the child or children of such of the children of the said Eliza Howison as have died or shall be dead at the time of any such sale or sales leaving infant children, him, her, or them surviving shall take the share that their parent would have taken if living. The shares of those that are of full age shall be paid to them direct, and the shares or parts of shares belonging to any infant or infants shall be paid into the Supreme Court of Judicature for Ontario to the credit of such infant or infants, and shall be paid out to them as they respectively come of age, the interest or principal being paid out for the support, education, and maintenance of such infants if said Court shall see fit, in accordance with the practice of the Court. And, in case any of the children of the said Eliza Howison shall be dead at the time of any such sale or sales without issue him or her surviving, the share of such child or children so dying shall be divided equally among the other children and descendants of children as hereinbefore provided. 25 30 35 40 45

Sales confirmed.

3. The sales and conveyances heretofore made or purported to be made by the said Eliza Howison and certain of her said children to William Lyon McKenzie and to the Grand Trunk Railway Company of Canada of land in the township of Elizabethtown, to Robert Hugh Gamble of land in the town of Brockville, and to the corporation of the town of Brockville of land in the town of Brockville, are hereby confirmed and declared to have conveyed at the time of the execution of the 50

said several conveyances all the estate and interest of the said testator at the time of his death in the said lands and premises so purported to be conveyed.

4. No purchaser or alienee shall be required to see to the  
5 application of the purchase money or other consideration in  
respect of any disposition made under this Act. Purchasers not  
required to see  
to application  
of purchase  
money.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to authorize Eliza Howison and  
others to sell certain lands.

First Reading,                   , 1888.

(Private Bill.)

MR. FRASER.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act incorporating the Ottawa and Thousand Island Railway Company.

**W**HEREAS, it is expedient to amend the Act passed in the Preamble.  
fiftieth year of Her Majesty's Reign, chaptered 79, to incorporate the Ottawa and Thousand Island Railway Company;

Therefore, Her Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of the said Act is amended by striking out all 50 V.c. 79, s. 3  
of said section after the word "Leeds" in the sixth line there- amended.  
of, and by inserting in place thereof the words, "and the Counties of Lanark, Frontenac, Lennox and Addington, or any of them, to a point on the line of the Brockville, Westport and Sault Ste. Marie Railway in any of said counties, or to the Town of Brockville.

2. Whenever the said company shall find it necessary or Acquisition of  
advisable to acquire running powers over any portion of the running  
line of railway of any other company, and they shall do so, powers to be  
then if such portion of such other railway shall not exceed ten considered a  
miles in any one instance, the acquiring of such running completion of  
powers shall be considered a completion of the line of railway line for certain  
of the said company within the meaning of any by-laws or by- purposes.  
law granting aid by way of bonus or gift, or otherwise, to the said railway company, now passed or to be hereafter passed.

3. If the line of the said railway shall connect with the Authority to  
line of the Brockville, Westport and Sault Ste. Marie Railway connect with  
at a point more than twenty-five miles north-west of the town Town of  
of Brockville, then the said Ottawa and Thousand Island Brockville.  
Railway Company shall have the right to build a branch to the town of Brockville or to some point on said Brockville,  
Westport and Sault Ste. Marie Railway, over which it may acquire running powers into said Town of Brockville and all the powers conferred upon the said Ottawa and Thousand Island Railway Company as to its main line and the municipalities along the line thereof shall apply to and be vested in the said Ottawa and Thousand Island Railway Company with respect to said branch line.



An Act to amend the Act incorporating the Ottawa and Thousand Island Railway Company.

WHEREAS it is expedient to amend the Act passed in the fiftieth year of Her Majesty's Reign, chaptered 79, to incorporate the Ottawa and Thousand Island Railway Company;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of the said Act is amended by striking out all of said section after the word "Leeds" in the sixth line thereof, and by inserting in place thereof the words, "and the Counties of Lanark, Frontenac, Lennox and Addington, or any of them, to a point on the line of the Brockville, Westport and Sault Ste. Marie Railway in any of said counties, or to the Town of Brockville.

50 V.c. 79, s. 3 amended.

2. If the line of the said railway shall connect with the line of the Brockville, Westport and Sault Ste. Marie Railway at a point more than twenty-five miles north-west of the town of Brockville, then the said Ottawa and Thousand Island Railway Company shall have the right to build a branch to the town of Brockville or to some point on said Brockville, Westport and Sault Ste. Marie Railway, over which it may acquire running powers into said Town of Brockville and all the powers conferred upon the said Ottawa and Thousand Island Railway Company as to its main line and the municipalities along the line thereof shall apply to and be vested in the said Ottawa and Thousand Island Railway Company with respect to said branch line.

Authority to connect with Town of Brockville.

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2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL.

An Act to amend the Act incorporating the  
Ottawa and Thousand Island Railway  
Company.

*Re-printed as amended by Railway  
Committee.*

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First Reading, 17th February, 1888.

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(Private Bill.)

MR. FRASER.

TORONTO:

PRINTED BY WARWICK & SONS, 36 AND 28 FRONT ST. W.



An Act to amend the Act incorporating the Brockville,  
Westport and Sault Ste. Marie Railway Company.

**W**HEREAS, it is expedient to amend the Act passed in the Preamble.  
forty-seventh year of Her Majesty's reign incorporating  
the Brockville, Westport, and Sault Ste. Marie Railway  
Company, and the Act passed in the fiftieth year of Her  
5 Majesty's Reign amending the same;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Whenever the said company shall find it necessary or  
10 advisable to acquire running powers over any portion of the  
line of railway of any other company, and they shall do so,  
then if such portion of such other railway shall not exceed ten  
miles in any one instance, the acquiring of such running powers  
shall be considered a completion of the line of railway of the  
15 said company within the meaning of any by-law or by-laws,  
granting aid by way of bonus or gift or otherwise to the said  
railway company, now passed or to be hereafter passed.

Acquisition of  
running pow-  
ers to be con-  
sidered a  
completion of  
line for certain  
purposes.

2. When by any such by-law or by-laws any time is, or shall  
20 be specified, within which the work on said railway or any  
portion thereof shall be commenced, and a further period of time  
is specified within which the said railway or such portion shall  
be completed, it is hereby declared to be the true meaning of  
such by-law or by-laws that the said railway, or such portion  
thereof, shall be completed within such specified period of time  
25 after the last day fixed for the commencement of the work in  
and by such by-law or by-laws.

Computation  
of time for  
completion  
under by-laws.

3. The municipality of the Township of Bastard and Burgess  
South not having complied with the conditions contained in a  
certain agreement confirmed by the said Act passed in the  
30 fiftieth year of Her Majesty's reign, it is hereby declared that  
the bonus granted by said municipality to said railway com-  
pany shall be the sum of \$31,000 originally granted by the  
said municipality instead of the reduced amount spoken of in  
the said agreement.

Amount of  
bonus to be  
paid by Town-  
ship of Bastard  
and Burgess  
South.

35 4. Whenever the conditions upon which a bonus has been  
granted by any municipality, or portion of a municipality,  
have not been complied with in so far as the completion of the  
portion of the railway referred to in the by-law granting such  
bonus is concerned, at the time specified in said by-law, then  
40 in such case no advantage shall be taken by such municipality  
or portion of municipality, provided that the prosecution of

Municipalities  
not to take ad-  
vantage of fail-  
ure to complete  
railway within  
time limited  
by by-law.

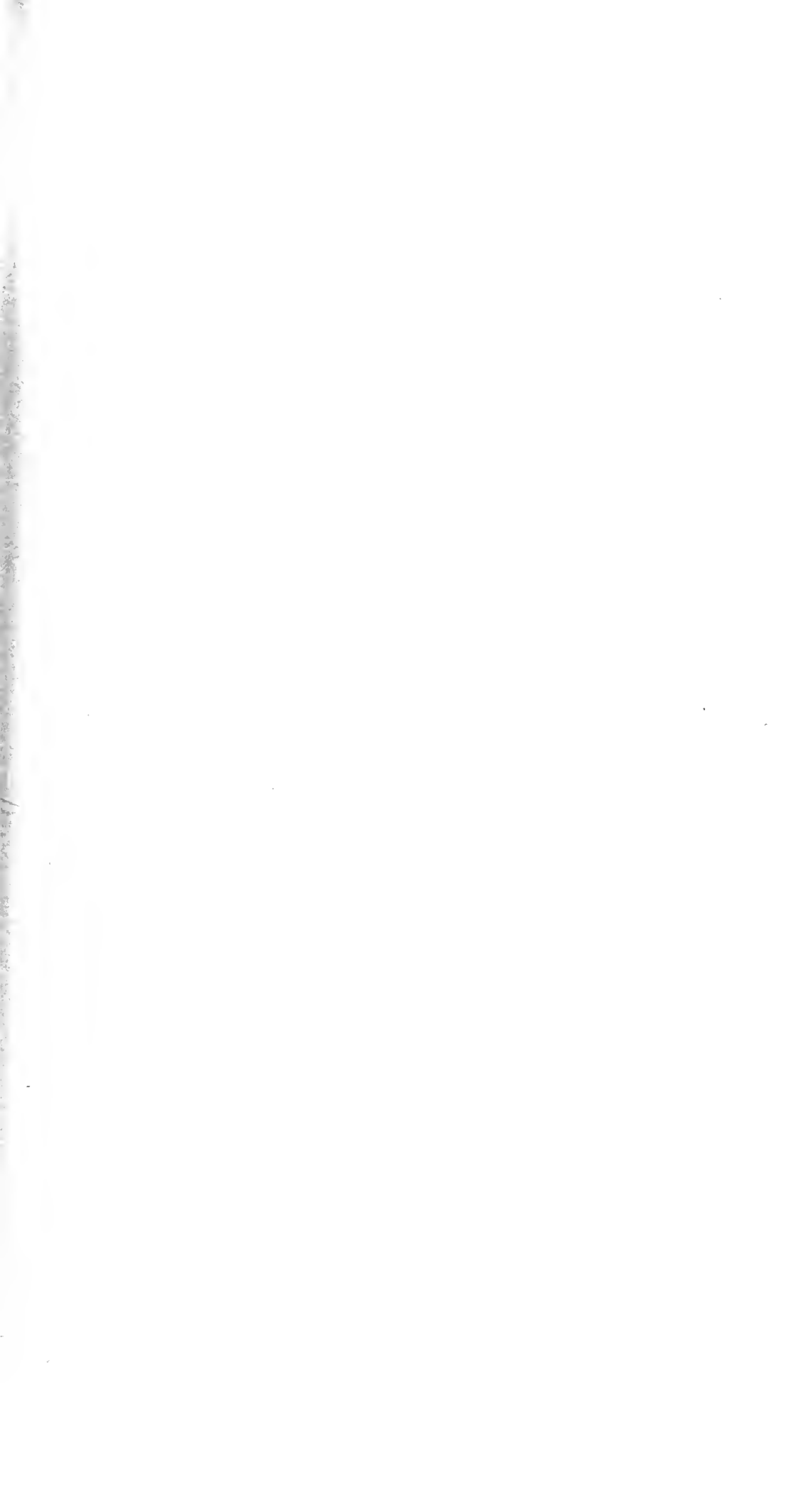
the work has been conducted in good faith and the portion of the railway referred to in said by-law has been completed within three years from the passage of the said by-law, provided that the other conditions in the said by-law are complied with.

Directors em-  
powered to  
contract with  
company.

5. Notwithstanding anything contained in *The Railway Act of Ontario*, it shall and may be lawful for a director or directors of the said railway company to be interested in any contract for the construction of the line of railway of said company or any part thereof, or in furnishing funds for so doing, provided always that the same shall be approved by at least two-thirds in amount of the shareholders of said company. 5

Construction  
of branch  
lines.

6. The said company is hereby authorized and empowered to build a branch line or lines from some point or points on its main line to a point at or near Lyndhurst in the Township of Lansdowne, and also to a point at or near Jones' Falls or to a point at or near Morton, both in the Township of South Crosby, or to both points, and all the powers granted to the said company as to the construction of its main line, and also all powers conferred upon municipalities or portions of municipalities by the Act hereby amended as to granting of bonuses and otherwise, shall be applicable to the said branch or branches, and to the municipalities or portions of municipalities through which they may pass. 15 20



No. 22.

2nd Session 6th Legislature, 50 Vic., 1888.

BILL

An Act to amend the Act incorporating the Brockville, Westport and Sault Ste. Marie Railway Company.

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First Reading                      1888.

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(Private Bill)

Mr. FRASER.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act incorporating the Brockville,  
Westport and Sault Ste. Marie Railway Company.

**W**HEREAS it is expedient to amend the Act passed in the Preamble.  
forty-seventh year of Her Majesty's reign incorporating  
the Brockville, Westport, and Sault Ste. Marie Railway  
Company, and the Act passed in the fiftieth year of Her  
5 Majesty's reign amending the same ;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. The Brockville, Westport and Sault Ste. Marie Rail- Construction  
10 way Company is hereby authorized and empowered to of branch  
build a branch line or lines from some point or points on its lines.  
main line to a point at or near Lyndhurst in the Township of  
Lansdowne, and also to a point at or near Jones' Falls or to a  
point at or near Morton, both in the Township of South Crosby,  
15 or to both points, and all the powers granted to the said com-  
pany as to the construction of its main line, and also all powers  
conferred upon municipalities or portions of municipalities by  
the Act hereby amended as to granting of bonuses and other-  
wise, shall be applicable to the said branch or branches, and to  
20 the municipalities or portions of municipalities through which  
they may pass.

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2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL.

An Act to amend the Act incorporating the  
Brookville, Westport and Sault Ste. Marie  
Railway Company.

*Reprinted as amended by Railway  
Committee.*

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First Reading, 17th February, 1888.

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(Private Bill.)

Mr. FRASER.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act incorporating the Brockville,  
Westport and Sault Ste. Marie Railway Company.

**W**HEREAS it is expedient to amend the Act passed in the Preamble.  
forty-seventh year of Her Majesty's reign incorporating  
the Brockville, Westport, and Sault Ste. Marie Railway  
Company, and the Act passed in the fiftieth year of Her  
Majesty's reign amending the same ;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
- as follows :—

1. The Brockville, Westport and Sault Ste. Marie Rail-  
way Company is hereby authorized and empowered to  
build a branch line or lines from some point or points on its  
main line to a point at or near Lyndhurst in the Township of  
Lansdowne, and also to a point at or near Jones' Falls or to a  
point at or near Morton, both in the Township of South Crosby,  
or to both points, and all the powers granted to the said com-  
pany as to the construction of its main line, and also all powers  
conferred upon municipalities or portions of municipalities by  
the Act hereby amended as to granting of bonuses and other-  
wise, shall be applicable to the said branch or branches, and to  
the municipalities or portions of municipalities through which  
they may pass.

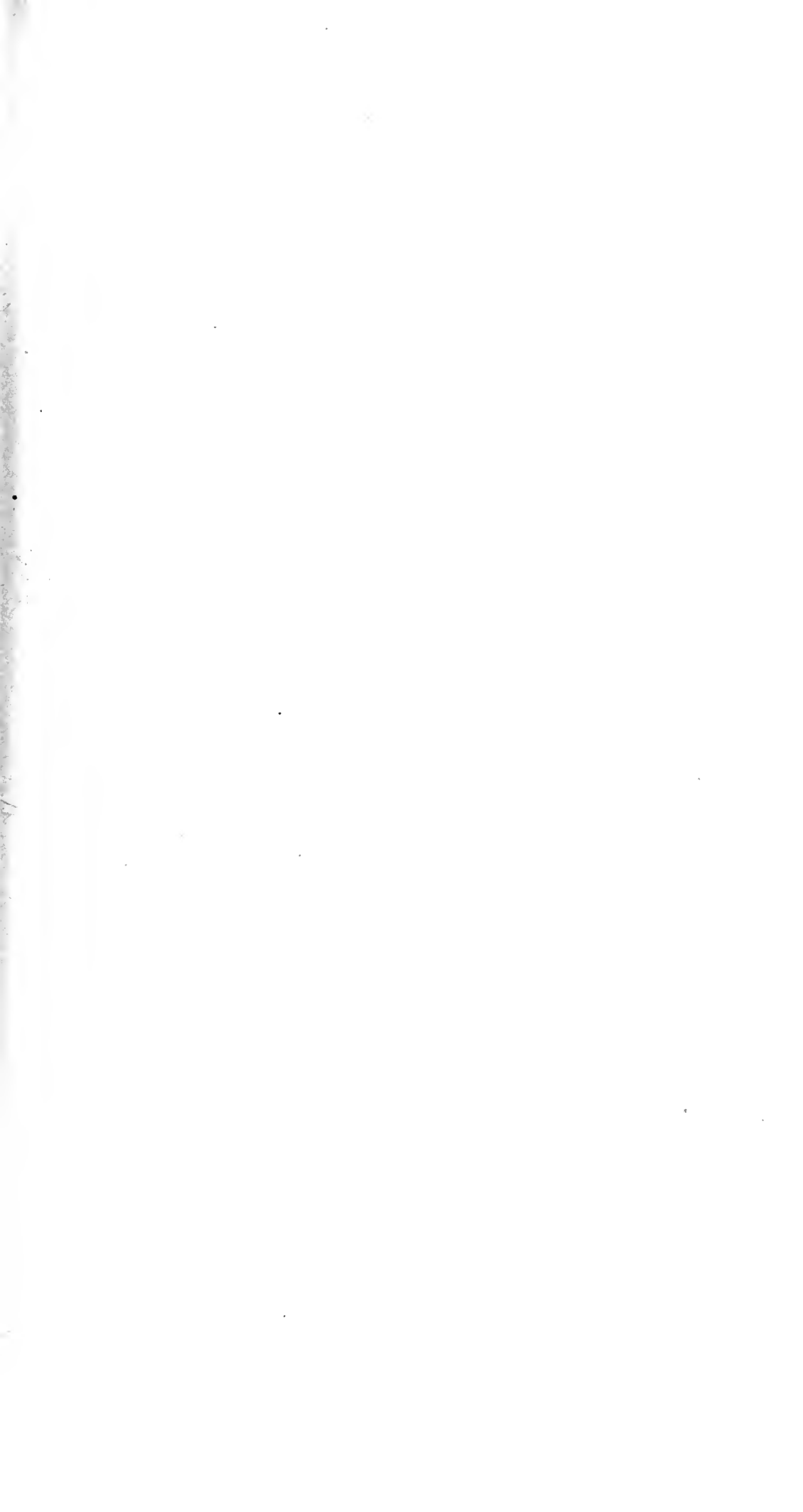
Construction  
of branch  
lines.

2. Whereas the line of the said railway from the village  
of Lyn to the village of Westport, a distance of about forty  
miles, is so far completed as to permit the running of trains  
thereon, and substantial progress has been made in the work of  
construction between said village of Lyn and the town of  
Brockville, a further distance of about five miles ; and whereas  
the said company has secured present running powers over the  
Grand Trunk Railway from said village of Lyn to said town of  
Brockville ; and whereas certain municipalities or portions of  
municipalities interested in the completion of said line of rail-  
way from said town of Brockville to said village of Westport  
have, under the statutes in that behalf, granted aid by way of  
bonus or gift to the said the Brockville, Westport and Sault  
Ste. Marie Railway Company in respect of that portion of its  
railway lying between Brockville and Westport aforesaid ; and  
whereas a majority of the councils of the said municipalities,  
having regard to the matters above recited, have, by resolu-  
tions in that behalf, requested the enactment of the provisions  
hereinafter in this section contained ; Therefore, it is hereby  
enacted that the council of any municipality which, or any  
portion of which, has heretofore voted aid to said railway com-  
pany, may, if such council shall desire so to do, authorize by

Delivery of  
debentures to  
trustees.

resolution in that behalf the trustees to deliver the whole or any portion of the debentures or money, or both, so voted by such municipality or portion of municipality to the railway company or its assigns; and in such case, upon demand of the railway company or its assigns, the trustees shall deliver such debentures, or money, or both, without requiring the certificate of the chief engineer provided in the said Act passed in the forty-seventh year of Her Majesty's reign incorporating the said company, and chaptered 63; and in case the said trustees have already handed over any of the said debentures in accordance with the resolution or resolutions of any such council, such action of the trustees in so handing over such debentures is hereby ratified and confirmed.





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2nd Session 6th Legislature, 51 Vic, 1888.

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BILL.

An Act to amend the Act incorporating the Brockville, Westport and Sault Ste. Marie Railway Company.

*Reprinted as again amended by Committee  
of the Whole House.*

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First Reading, 17th February, 1888.  
Second " 2nd March, 1888.

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(Private Bill.)

Mr. FRASER.

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TORONTO:

PRINTED BY WAINWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to enable the Orphans' Home of the city of  
Ottawa to borrow money.

**W**HEREAS, the Orphans' Home of the city of Ottawa, by Preamble.  
their petition, have represented that for the purpose of  
paying off certain debts incurred by them in building on their  
site in the city of Ottawa a suitable home for their orphan-  
5 age, and in the furnishing thereof; they are desirous of raising  
by way of loan to be secured by way of mortgage on their  
lands or some part thereof, a sum not exceeding \$5,000, and  
have prayed for an Act granting them the necessary power so  
to do; and whereas it is expedient to grant the prayer of  
10 the said petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. The corporation of the Orphans' Home of the city of Power to  
15 Ottawa are hereby authorized and empowered to borrow mortgage  
from any person or persons, body or bodies, politic or corpor- lands.  
ate, or associated as a company or co-partnership, a sum or  
sums of money not exceeding in the whole the sum of \$5,000,  
and for the purpose of securing the repayment thereof, with  
20 such interest as may be agreed upon, to grant and convey by  
way of mortgage to the lender or lenders thereof the lands  
held by them with the buildings thereon, free from any uses  
and trusts for which the same are held by them.

2. Any moneys so borrowed shall be laid out and ex- Application of  
25 pended by the said the Orphans' Home of the city of Ottawa moneys.  
in the payment of debts incurred by them in building,  
finishing and furnishing their said home, and in repayment of  
any moneys borrowed for the purpose of paying said debts.

3. No person lending or paying money, under the pro- Lender not  
30 visions of this Act, to the said Orphans' Home, or the officers bound to see  
thereof, shall be held liable for the proper application thereof. to application  
of money.

No. 23.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to enable the Orphans' Home of  
the city of Ottawa to borrow money.

First Reading, 1888.

(Private Bill.)

Mr. BRONSON.

TORONTO,

PRINTED BY WARWICK & SON, 26 & 28 FRONT ST. W.

An Act to enable the Cathedral of the Holy Trinity, of London, to sell certain land.

WHEREAS, by an Act passed in the thirty-seventh year of Preamble.  
 the reign of Her Majesty Queen Victoria, and chaptered  
 91, entitled "*An Act to incorporate the Cathedral of the Holy  
 Trinity, of London*" the Right Reverend the Bishop of Huron  
 5 for the time being, the Very Reverend the Dean of Huron for  
 the time being and the Archdeacons and Canons of the said  
 Diocese of Huron for the time being, were created a body  
 politic and corporate, and in and by section 2 of the said Act  
 were authorized and empowered to take by deed from the  
 10 Church Society of the Diocese of Huron, that block of land in  
 the city of London set out and described in the preamble of  
 the said Act, and to hold the same for the said corporation  
 with power to mortgage the same as security for money bor-  
 rowed or to be borrowed for the purpose of erecting or com-  
 15 pleting Cathedral buildings; and whereas, the said corporation  
 have taken by deed from the said Church Society the said  
 block of land, and have erected on the said block of land a  
 part of the said Cathedral buildings, which said part so erected  
 is designated and known as the Chapter House of the Cathe-  
 20 dral of the Holy Trinity, and have mortgaged the said block  
 of land as security for money borrowed for the purpose of  
 erecting and completing the said Chapter House; and whereas,  
 since the erection of the said Chapter House, the West Ontario  
 Pacific Railway Company have run their line of railway through  
 25 the city of London and have expropriated for their right of way  
 under the powers conferred on them by statute, a portion of  
 the said block of land; and whereas, by reason of such  
 expropriation as aforesaid and the contiguity of the said line  
 of railway to the said block of land, the said block of land has  
 30 been rendered entirely unsuitable for the purpose contemplated  
 by the said Act; and whereas, the said corporation are  
 desirous that permission be given them to sell the said block  
 of land together with the buildings erected thereon, except  
 that part taken and expropriated by the West Ontario Pacific  
 35 Railway Company, and to apply the proceeds from such sale,  
 so far as may be necessary, to the reduction and discharge of  
 the mortgages and encumbrances upon the said block of land,  
 and have so prayed by their petition, and it is expedient to  
 grant the prayer of the said petition;

40 Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

Authority to  
sell certain  
lands.

1. The said the Cathedral of the Holy Trinity are hereby authorized and empowered to sell and convey to the purchaser or purchasers thereof all and every part and any part of the block of land and premises mentioned and described in the preamble to the Act passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, chaptered 91, save and except that part heretofore expropriated by the West Ontario Pacific Railway Company, at such times, in such parcels or as a whole, and on such terms and for such price as they may deem fit and prudent, and to apply the proceeds of any such sale or sales so far as may be necessary, towards the reduction and discharge of the mortgages and encumbrances upon the said block of land and premises.

Purchaser not  
bound to see to  
application of  
proceeds of  
sale.

2. The purchaser or purchasers of the whole or any part of the said land and premises shall not be bound to see to the application of the purchase money or moneys arising from such sale or sales, but the receipt under the seal of the said the Cathedral of the Holy Trinity shall be a sufficient discharge therefor.



2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to enable the Cathedral of the Holy Trinity, of London, to sell certain lands.

First Reading	1888
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(Private Bill.)

Mr. MEREDITH.

TORONTO:

PRINTED BY WAVERICK & SONS, 26 AND 28 FRONT ST. W.



An Act to confirm certain Mortgages and Conveyances  
made by the Churchwardens of Christ Church,  
Hamilton.

**W**HEREAS, Cynthia Fuller, of the city of Hamilton, in the Preamble.  
county of Wentworth, widow, has by her petition set  
forth that she is the executrix and sole devisee of and under  
the last will and testament of the late Thomas Brock Fuller,  
5 that by a certain conveyance dated the 10th day of September,  
A.D. 1867 John Gamble Geddes, of the city of Hamilton,  
Clerk in Holy Orders, granted or assumed to grant and convey  
to David Wright, of the city of Hamilton, accountant and  
John Winer, of the same place, Esquire, churchwardens of  
10 Christ Church in the city of Hamilton, their successors and  
assigns all that piece or parcel of land and premises situate in  
the said city of Hamilton, being composed of parts of lots  
numbers 15 and 16, fronting on Hughson Street and between  
Barton and Lind streets in the said city of Hamilton, more  
15 particularly described as follows: Commencing at a post  
planted to mark the north-west angle of Lind (now Robert)  
and Hughson streets and at the south-east angle of lot number  
15, thence along Hughson Street north eighteen degrees east,  
one chain eighty-five and one third links more or less to the  
20 north-east angle of lot number 16; thence north seventy-two  
degrees west two chains and twelve links more or less to within  
twelve feet of a post planted at equal distances between James  
and Hughson streets; thence south eighteen degrees west  
one chain eighty-five and one third links, more or less parallel  
25 with Hughson and James streets to the north line of Lind  
(now Robert) street; thence along Lind (now Robert) street  
south seventy-two degrees east, two chains and twelve links  
more or less to the place of beginning; together with a right  
of way in perpetuity in and over twelve feet of the rear or  
30 westerly ends of both the said lots, and being the remaining  
portion thereof running from Lind (now Robert) street north-  
ward parallel with James and Hughson streets to the southerly  
side line of lot 17, to hold the same unto the said David  
Wright and John Winer and their successors in office to the  
35 use of the said Wright and the incumbent of Christ Church  
aforesaid, and their successors in office, upon the trusts never-  
theless, and to and for the several ends, intents, and purposes  
following that is to say: upon trust to suffer and permit the  
incumbent of the said Church for the time being to use, occupy,  
40 and enjoy the same and the buildings to be erected thereon as  
a parsonage appurtenant to Christ Church aforesaid during  
his incumbency and upon other trusts therein mentioned, in  
which conveyance Susan Geddes, the wife of the said John  
Gamble Geddes, joined for the purpose of barring her

dower in the said lands, and which conveyance is registered in the registry office for the county of Wentworth in book for the city of Hamilton as number 1580; that the said lands were at the time of such conveyance vacant; that for the purpose of erecting a parsonage thereon, to be used as a residence for the incumbent of said Church there was borrowed from the said late Thomas Brock Fuller on or about the 23rd day of July, A. D. 1874, the sum of \$4,000, and on or about the 28th day of June, A.D. 1875, the further sum of \$1,000, which said moneys were applied and expended in carrying out said purpose; that to secure the repayment of such advances and interest thereon the said John Gamble Geddes, as rector and incumbent of said Church, and James M. Lottridge and Henry Villiers Villiers, as churchwardens thereof, executed two several mortgages bearing date respectively the 23rd day of July, 1874, and the 28th day of June, 1875, comprising the said lands, which mortgages are registered as numbers 12175 and 13520 respectively in book for the city of Hamilton; that default was made in payment of the moneys secured by the said mortgages and on the 11th day of December 1879 at a special general vestry meeting of the said Church, the Rector and incumbent and the churchwardens of the Church, were authorized, empowered, and directed to execute a release of the equity of redemption in the said lands; that by deed dated the 11th day of December, 1879, the said John Gamble Geddes, as rector and incumbent, and John James Mason and Henry T. Ridley, as acting churchwardens of said Church released or assumed to release to the said Thomas Brock Fuller, his heirs and assigns their equity of redemption in the said lands, in which conveyance the said John Gamble Geddes with the end and intent of divesting himself of any estate or interest in the said lands granted, released and conveyed the same to the said Thomas Brock Fuller, and the said Susan Geddes, the wife of the said John Gamble Geddes, granted and released her dower therein; that the said Thomas Brock Fuller died on or about the 17th day of December, A.D. 1884; that by deed dated the 28th day of May, 1887, George Roach and George H. Bull, churchwardens of said Christ Church, with the intention of confirming the said release last mentioned, granted, released and conveyed the said lands to the petitioner the said Cynthia Fuller; that David Wright and John Winer, the original grantees as churchwardens as aforesaid of the said John Gamble Geddes are both dead; that the said late Thomas Brock Fuller for a long period during his lifetime was in possession of said lands, and the said Cynthia Fuller has ever since his death been in possession thereof; that doubts have arisen as to what estate was vested in the churchwardens of the said Church, and as to the power of the incumbent and churchwardens to mortgage the said lands and release the equity of redemption therein, and that the said Cynthia Fuller is desirous of having the said doubts removed and to have it declared that by the said conveyance and mortgages the estate originally held by the said John Gamble Geddes has become transmitted to her, and has so prayed by her petition; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. It is hereby declared that the said conveyance from John Gamble Geddes and Susan Geddes to David Wright and John Winer, churchwardens of Christ Church, in the city of Hamilton, dated the 10th day of September, A.D., 1867, passed to and vested in the said David Wright and John Winer, and their successors as a body corporate and politic under the name of the churchwardens of Christ Church in the city of Hamilton, all the estate, title and interest which the said John Gamble Geddes was then seised or possessed of upon the trusts set forth in the said conveyance.

Declaration as to estate vested in churchwardens under conveyance of Sept. 10, 1867.

2. It was lawful for the churchwardens of Christ Church in the city of Hamilton to borrow money for the purpose of carrying out the said trusts and to mortgage the said premises to secure the moneys so borrowed and interest thereon and the said mortgages to the late Thomas Brock Fuller are hereby confirmed and are hereby declared to have passed to and vested in the said Thomas Brock Fuller all the estate, title and interest of the said John Gamble Geddes and the said the churchwardens of Christ Church in the city of Hamilton.

Mortgages to T. B. Fuller confirmed.

3. It was lawful for the said the churchwardens of Christ Church in the city of Hamilton upon default in payment of the moneys secured by the said mortgages or any part thereof to release and convey to the said Thomas Brock Fuller their equity of redemption in the said lands, and the said conveyances of the 11th day of December, 1879, and the 28th day of May, 1887, are hereby confirmed and declared to have passed all the interest to which they purported to and were intended to pass.

Release of equity of redemption by churchwardens confirmed.

4. It is hereby declared that all the estate vested in the said John Gamble Geddes on the 10th day of September, 1867, and the inchoate right to dower of his wife, Susan Geddes, have, by virtue of the several conveyances and mortgages mentioned in the preamble hereof and the said will of the said Thomas Brock Fuller, become vested in the said Cynthia Fuller, her heirs and assigns.

Estate of J. G. Geddes vested in Cynthia Fuller.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to confirm certain mortgages and conveyances made by the Churchwardens of Christ Church, Hamilton.

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First Reading, 1888.

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(Private Bill).

Mr. GIBSON,  
(*Hamilton*).

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TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to declare the effect of certain Mortgages and Conveyances made by the Churchwardens of Christ Church, Hamilton.

**W**HEREAS Cynthia Fuller, of the city of Hamilton, in the Preamble.  
county of Wentworth, widow, has by her petition set forth that she is the executrix and sole devisee of and under the last will and testament of the late Thomas Brock Fuller, 5 that by a certain conveyance dated the 10th day of September, A.D. 1867 John Gamble Geddes, of the city of Hamilton, Clerk in Holy Orders, granted or assumed to grant and convey to David Wright, of the city of Hamilton, accountant and John Winer, of the same place, Esquire, churchwardens of 10 Christ Church in the city of Hamilton, their successors and assigns all that piece or parcel of land and premises situate in the said city of Hamilton, being composed of parts of lots numbers 15 and 16, fronting on Hughson Street and between Barton and Lind streets in the said city of Hamilton, more 15 particularly described as follows: Commencing at a post planted to mark the north-west angle of Lind (now Robert) and Hughson streets and at the south-east angle of lot number 15, thence along Hughson Street north eighteen degrees east, one chain eighty-five and one third links more or less to the 20 north-east angle of lot number 16; thence north seventy-two degrees west two chains and twelve links more or less to within twelve feet of a post planted at equal distances between James and Hughson streets; thence south eighteen degrees west one chain eighty-five and one third links, more or less parallel 25 with Hughson and James streets to the north line of Lind (now Robert) street; thence along Lind (now Robert) street south seventy-two degrees east, two chains and twelve links more or less to the place of beginning; together with a right of way in perpetuity in and over twelve feet of the rear or 30 westerly ends of both the said lots, and being the remaining portion thereof running from Lind (now Robert) street northward parallel with James and Hughson streets to the southerly side line of lot 17, to hold the same unto the said David Wright and John Winer and their successors in office to the use 35 of the said Wright *and* Winer and the incumbent of Christ Church aforesaid, and their successors in office, upon the trusts nevertheless, and to and for the several ends, intents, and purposes following that is to say: upon trust to suffer and permit the incumbent of the said Church for the time being to use, occupy, 40 and enjoy the same and the buildings to be erected thereon as a parsonage appurtenant to Christ Church aforesaid during his incumbency and upon other trusts therein mentioned, in which conveyance Susan Geddes, the wife of the said John Gamble Geddes, joined for the purpose of barring her

dower in the said lands, and which conveyance is registered in the registry office for the county of Wentworth in book for the city of Hamilton as number 1580; that the said lands were at the time of such conveyance vacant; that for the purpose of erecting a parsonage thereon, to be used as a residence for the incumbent of said Church there was borrowed from the said late Thomas Brock Fuller on or about the 23rd day of July, A. D. 1874, the sum of \$4,000, and on or about the 28th day of June, A. D. 1875, the further sum of \$1,000, which said moneys were applied and expended in carrying out said purpose; that to secure the repayment of such advances and interest thereon the said John Gamble Geddes, as rector and incumbent of said Church, and James M. Lottridge and Henry Villiers Villiers, as churchwardens thereof, executed two several mortgages bearing date respectively the 23rd day of July, 1874, and the 28th day of June, 1875, comprising the said lands, which mortgages are registered as numbers 12175 and 13520 respectively in book for the city of Hamilton; that default was made in payment of the moneys secured by the said mortgages and on the 11th day of December 1879 at a special general vestry meeting of the said Church, the Rector and incumbent and the churchwardens of the Church, were authorized, empowered, and directed to execute a release of the equity of redemption in the said lands; that by deed dated the 11th day of December, 1879, the said John Gamble Geddes, as rector and incumbent, and John James Mason and Henry T. Ridley, as acting churchwardens of said Church released or assumed to release to the said Thomas Brock Fuller, his heirs and assigns their equity of redemption in the said lands, in which conveyance the said John Gamble Geddes with the end and intent of divesting himself of any estate or interest in the said lands granted, released and conveyed the same to the said Thomas Brock Fuller, and the said Susan Geddes, the wife of the said John Gamble Geddes, granted and released her dower therein; that the said Thomas Brock Fuller died on or about the 17th day of December, A. D. 1884; that by deed dated the 28th day of May, 1887, George Roach and George H. Bull, churchwardens of said Christ Church, with the intention of confirming the said release last mentioned, granted, released and conveyed the said lands to the petitioner the said Cynthia Fuller; that David Wright and John Winer, the original grantees as churchwardens as aforesaid of the said John Gamble Geddes are both dead; that the said late Thomas Brock Fuller for a long period during his lifetime was in possession of said lands, and the said Cynthia Fuller has ever since his death been in possession thereof; that doubts have arisen as to what estate was vested in the churchwardens of the said Church, and as to the power of the incumbent and churchwardens to mortgage the said lands and release the equity of redemption therein, and that the said Cynthia Fuller is desirous of having the said doubts removed and to have it declared that by the said conveyance and mortgages the estate originally held by the said John Gamble Geddes has become transmitted to her, and has so prayed by her petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. It is hereby declared that all the estate *and interest in* Estate of J. G. Geddes vested in Cynthia Fuller.  
*the said lands* vested in the said John Gamble Geddes on the  
10th day of September, 1867, and the inchoate right to dower  
*therein* of his wife, Susan Geddes, have, by virtue of the  
5 several conveyances and mortgages mentioned in the pre-  
amble hereof and the said will of the said Thomas Brock  
Fuller, become vested in the said Cynthia Fuller, her heirs  
and assigns.

BILL.

An Act to declare the effect of certain mortgages and conveyances made by the Churchwardens of Christ Church, Hamilton.

*Reprinted as amended by Private Bills Committee.*

First Reading, 14th February, 1888.

(Private Bill)

MR. GIBSON,  
(Hamilton).

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



An Act to incorporate the City of Woodstock and for other purposes.

WHEREAS, the corporation of the Town of Woodstock have Preamble.

by their petition represented that the said town contains a population of ten thousand souls and that the said population is rapidly increasing, and that the said town by reason of its increased and extensive railway facilities, its large manufacturing and mercantile interests, and its situation in the midst of a rich agricultural district is now and will continue to be an important commercial centre; and whereas, the said corporation by their petition have prayed that the said town may be erected into a city to be called the "City of Woodstock"; and whereas, the said corporation have by their said petition further represented that they have incurred debts and liabilities to the amount of \$13,000 exclusive of the existing indebtedness of the said town, and that it is desirable for the said town to pay the said debt by issuing debentures for a sum sufficient to pay the said debt in ten equal yearly payments commencing in the year 1894 and ending in the year 1903; and whereas, it is expedient to grant the prayers of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act the said town of Woodstock shall be and is hereby incorporated as a city and shall be known hereafter as "The Corporation of the City of Woodstock," and as such shall enjoy and possess all the rights, powers and privileges which could have been exercised and enjoyed by the said city of Woodstock if the same had been incorporated as a city under the provisions of *The Municipal Act* and its amendments. Town of Woodstock incorporated as a city.

2. The provisions of *The Municipal Act*, and its amendments relating to matters consequent upon the formation of new municipal corporations and the other provisions of *The Municipal Act* and its amendments, shall, except so far as herein otherwise provided, apply to the said corporation of the city of Woodstock in the same manner as if the town had been erected into a city under the provisions of the said Act. Certain provisions of Rev. Stat. c. 184 to apply.

3. The property and assets of the said town of Woodstock shall belong to the city of Woodstock, and all the debts, liabilities and obligations of the said town of Woodstock shall be assumed and paid by the corporation of the said city of Woodstock and the officers and servants of the said town of Woodstock shall until superseded in or removed from office by the council of the said city remain the officers and servants of the said city of Woodstock. Property of the town to belong to city.

City to be divided into five wards.

4. The city of Woodstock shall be divided as the town of Woodstock has heretofore been into five wards, to be named respectively: St. George's Ward, St. Andrew's Ward, St. David's Ward, St. Patrick's Ward and St. John's Ward, and the boundaries or limits of the said wards respectively shall be and remain as they existed prior to the passing of this Act. 5

Council of city.

5. The council of the said city shall consist of a mayor, who shall be the head thereof, and of three aldermen for each ward on from and after the day this Act shall take effect as hereinafter directed. 10

Mayor and council continued in office.

6. The mayor and council of the said town including, the reeve and deputy reeves thereof, who shall be in office at the time this Act shall take effect as hereinafter directed, shall be and continue to be the mayor and council of the said city and shall hold office until the election of a new mayor and council at the annual election to be held in the year next after this Act shall come into force, and shall exercise all the rights and powers and perform all the duties pertaining to the offices of mayor and aldermen respectively of a city, and in the event of the death, resignation or disqualification of the said mayor or any member of the said council a new election shall be held to fill the vacancy under the provisions of *The Municipal Act*, and its amendments, or under the provisions of the municipal Acts in force at the time of such elections. 15 20

Qualifications of electors, etc.

7. At any election in the said city held prior to the next annual election after this Act shall come into force to fill a vacancy in the council for the then current year the qualification of the electors shall be the same respectively as required in towns as also the qualifications of mayors, reeves, deputy reeves and councillors, and at all subsequent elections after this Act shall have come into force the qualifications of the electors, mayor and aldermen shall be the same as that required in cities. 25 30

First election of mayor.

8. George C. Eden, Esquire, of the said town of Woodstock, who is now the clerk of the said town, or in case of his death or inability to act such other person as the council, may by by-law to be passed before the last Monday in the month of December next preceding the year in which the first election of a council for the said city is to be held, appoint in his stead, is hereby appointed the returning officer for the purpose of holding the nomination for the first election of mayor, and shall be incumbent on the returning officer to hold such nomination at the city hall in the city of Woodstock, at the hour of ten o'clock in the forenoon, on the last Monday in the said month of December. 35 40

Powers and duties of returning officer.

9. The said returning officer shall have all the powers and perform all the duties of clerk of the said city until the appointment by the council thereof of himself or of some other person in his place and stead. 45

Appointment of deputy-returning officers.

10. The council of the said city are hereby required by by-law to be passed before the said last Monday in the said month of December to appoint a deputy-returning officer for each of the several polling sub-divisions of the said city, each of whom shall have all the powers and perform all the duties 50

of deputy returning officer in municipal elections for cities, and also by by-law to be passed within the time aforesaid to name the places in each of the several wards at which the nomination of aldermen and election of mayor and aldermen shall be held  
5 in case a poll be demanded.

11. The said nominations for aldermen shall be held on the said last Monday in the said month of December, at twelve o'clock noon, and if a poll be required the same shall be opened  
10 on the same day of the following week, and the nominations and the elections of mayor and aldermen, except as is herein otherwise provided, shall be conducted and regulated in like manner as such nominations and elections are conducted and regulated in municipal elections for cities. First election of aldermen.

12. The last revised assessment roll and voters' list of the said town shall be taken to be the assessment roll and voters' list for any future election either to the municipal council or to the Legislative Assembly in the said city until another assessment shall be made, and the roll thereof shall be revised and  
15 the voters' list thereunder shall have been duly made and completed. Voters' list.

13. Notwithstanding any statute to the contrary, the said city council shall have power to organize or continue a police force and to regulate and control the same and the members  
25 thereof, and to fix the salary and allowances of the said members, and in the said city the provisions of *The Municipal Act* respecting police commissioners shall not apply or be of any effect unless and until adopted by by-law of the said city council, and the said city council may by by-law to be passed  
30 from time to time repeal or re-enact the provisions of such first named by-law, but this section shall not apply or have any force or effect after it shall appear from any general census or from any census which may be taken under a by-law of the municipality that said city contains fifteen thousand inhabitants  
35 or more, and the police magistrate of the said city of Woodstock shall not receive a salary exceeding \$1,200 until it shall appear in the manner aforesaid that said city contains fifteen thousand inhabitants or more. Police.

14. It shall be lawful for the said corporation of the said town or city of Woodstock, as the case may be, to pass by-laws providing for the issue of debentures under its corporate seal signed by the mayor and countersigned by the treasurer, for the time being for such sums of not less than \$100 each and not exceeding in the whole the sum of \$13,000 as the said council  
40 of the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be made payable either in this Province or in Great Britain or elsewhere, and such power may be exercised by the said city when incorporated to the extent  
45 such power shall not have been exercised by the said town. Issue of debentures to an amount not exceeding \$13,000.

15. The corporation of the said town or city as the case may be, may for the purpose aforesaid raise money by the sale of the said debentures from time to time as they may deem expedient. Sale of debentures authorized.

Payment of debentures and interest.

**16.** The said debentures shall be payable in ten years from the first day of January, 1894. Coupons shall be attached to the said debentures for the payment of the interest thereon from the date of their issue payable yearly on the first day of January in each year, and it shall not be necessary to procure the assent of the ratepayers or electors to the said by-laws to be passed authorizing the issue of such debentures. 5

Application of debentures.

**17.** The said debentures and all moneys arising therefrom shall be applied by the said corporation (whether town or city) towards the payment only of the now existing unprovided for debt of the said town of Woodstock, and in no other manner and for no other purpose and no by-law or resolution of the said council shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner 10

Special rate for payment of debentures.

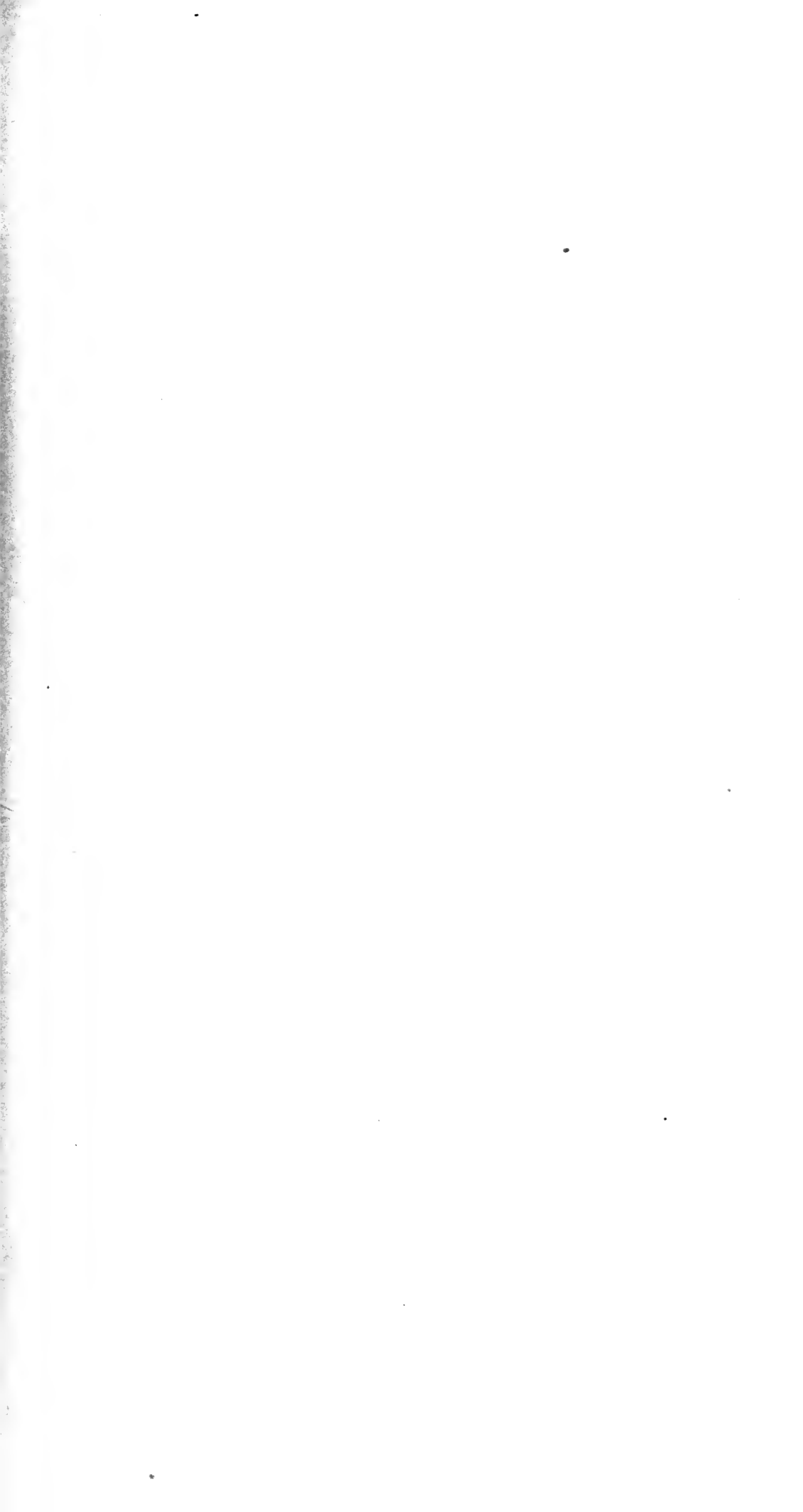
**18.** For payment of the principal money of the said debentures and their interest, the council shall impose a special rate per annum over and above and in addition to all other rates to be levied in each year which shall be sufficient to pay the said interest as also to form a sinking fund compounded half yearly at four per cent. to pay such principal money. The said rate in respect of the said interest shall be levied commencing with the year next before the year in which the interest shall be payable and continued in each of the next succeeding years to and including the year in which the last payment of interest shall be payable, and the special rate in respect of the said sinking fund shall be commenced in the year 1894 and continued in each of the next succeeding years. 15 20 25

Commencement of secs. 14-19.

**19.** Sections 14 to 18 hereof both inclusive and this section shall come into force immediately from and after the passing of this Act, and the remaining sections thereof may be read so far as is necessary to explain or construe the said sections now brought into force. 30

Commencement of Act exclusive of secs. 14-19.

**20.** All the other sections hereof shall come into force from and immediately after an order shall be made by the Lieutenant-Governor in council directing the said Act to come into force. Such order shall be made not later than three months after it shall have been made to appear to the Lieutenant-Governor in council that a majority of the ratepayers of the said town at a vote to be taken by ballot under the provisions of *The Municipal Act* and its amendments are in favour of the said incorporation and the said council of the said town of Woodstock are hereby empowered at any time within two years from the passing hereof by by-law to direct such vote to be taken. 35 40



BILL.

An Act to incorporate the City of Wood-  
stock and for other purposes.

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First Reading,                      1888.

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(Private Bill.)

Mr. FREEMAN.

An Act respecting the Floating Debt of the Town of  
Woodstock.

WHEREAS the corporation of the Town of Woodstock have Preamble.

by their petition represented that they have incurred debts and liabilities to the amount of \$15,000 exclusive of the existing indebtedness of the said town, and that it is desirable for the said town to pay the said debt by issuing debentures for a sum sufficient to pay the said debt in ten equal yearly payments, commencing in the year 1894 and ending in the year 1903; and whereas it is expedient to grant the prayer of the said petition;

10 Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. It shall be lawful for the said corporation of the town of Woodstock to pass *a by-law or by-laws* providing for the issue of debentures under its corporate seal, signed by the mayor and countersigned by the treasurer, for the time being, for such sums of not less than \$100 each and not exceeding in the whole the sum of \$15,000 as the said council of the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be made payable either in this Province or in Great Britain or elsewhere.

Issue of debentures to an amount not exceeding \$15,000, authorized.

2. The corporation of the said town may, for the purpose aforesaid, raise money by the sale of the said debentures from time to time as they may deem expedient.

Sale of debentures authorized.

3. The said debentures shall be payable in ten years from the first day of January, 1894. Coupons shall be attached to the said debentures for the payment of the interest thereon from the date of their issue payable yearly on the first day of January in each year, and it shall not be necessary to procure the assent of the ratepayers or electors to the said by-laws to be passed authorizing the issue of such debentures.

Payment of debentures and interest.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation towards the payment only of the now existing unprovided for debt of the said town of Woodstock, and in no other manner and for no other purpose, and no by-law or resolution of the said council shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner.

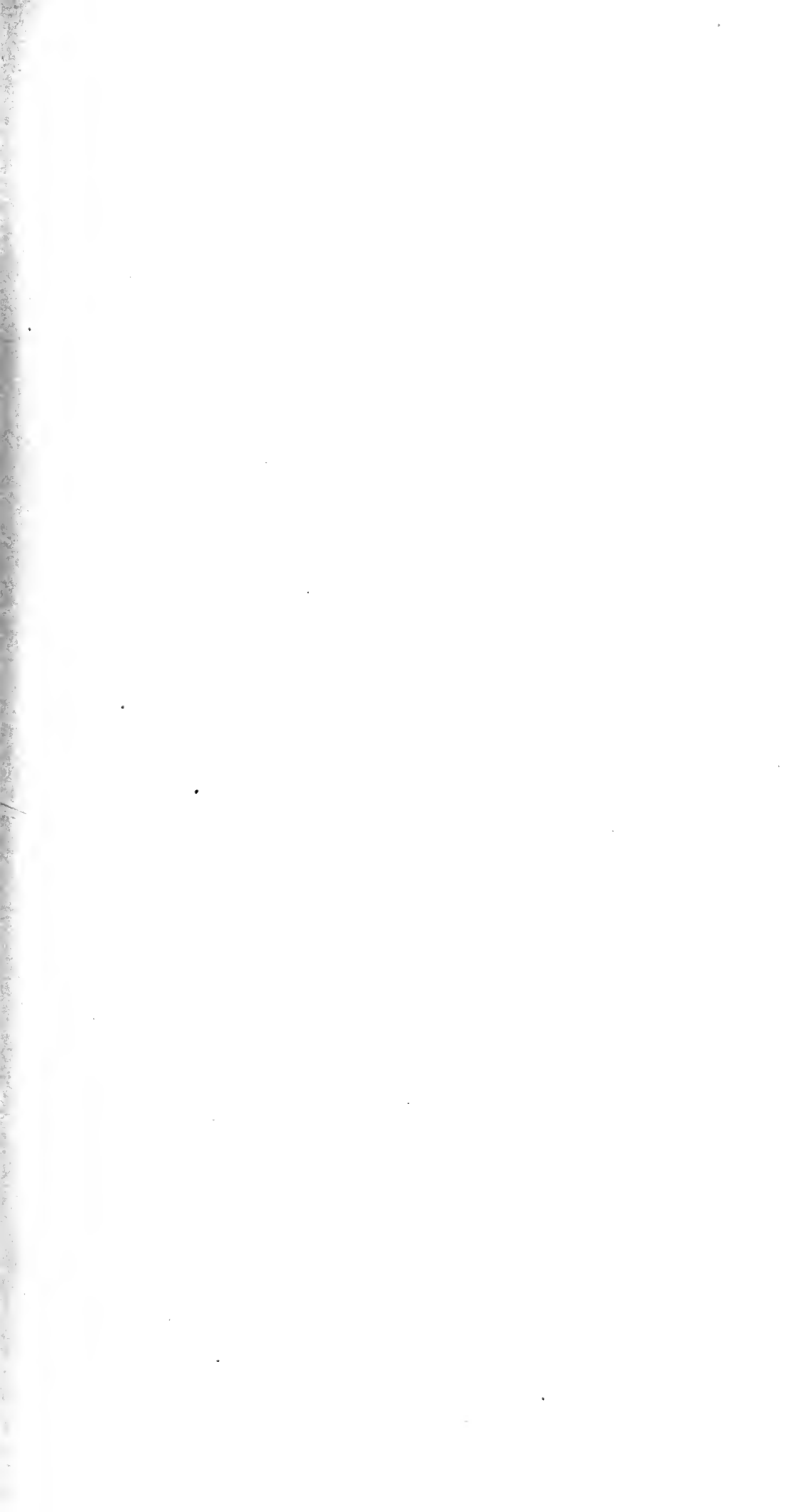
Application of debentures.

5. For payment of the principal money of the said debentures and the interest thereon, the council shall impose a

Special rate for payment of debentures.

special rate per annum over and above and in addition to all other rates to be levied in each year which shall be sufficient to pay the said interest *and* also to form a sinking fund *which*, compounded half yearly at four per cent., *will be sufficient* to pay such principal money. The said rate in 5 respect of the said interest shall be levied commencing with the year next before the year in which the interest shall be payable and continued in each of the next succeeding years to and including the year in which the last payment of interest shall be payable, and the special rate in respect of the said 10 sinking fund shall be commenced in the year 1894 and continued in each of the next succeeding years ~~1894~~ until the said principal shall be fully paid. ~~1894~~





BILL

An Act respecting the Floating Debt of the  
Town of Woodstock.

*(Reprinted as amended by Private Bills  
Committee.)*

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First Reading, 23rd February, 1888.

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(Private Bill.)

MR. FREEMAN.

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TORONTO:

PRINTED BY WARRICK & SONS, 26 AND 28 FRONT ST. W.

No. 27.]

## BILL.

[1887.

An Act respecting By-law No. 402 of the city of Brantford.

**W**HEREAS, the Brantford, Waterloo and Lake Erie Railway Company, and the corporation of the city of Brantford have petitioned praying that an Act may be passed to confirm and legalize a by-law of the said corporation, passed on the 10th day of December, A. D., 1887, entitled, By-law No. 402, to grant a bonus of \$25,000 to the Brantford, Waterloo & Lake Erie Railway Company, and to take stock in the said company to the extent of \$25,000; and whereas, the said the Brantford, Waterloo & Lake Erie Railway Company, and the said corporation of the city of Brantford, by their said petition, have represented that it is of advantage to the said city, as well as just and right, that the said by-law No. 402 should be ratified, legalized and confirmed; and whereas, it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law numbered 402, of the corporation of the city of Brantford, entitled as hereinbefore recited, is hereby confirmed and declared to be legal and valid to all intents and purposes, and the debentures issued, or to be issued, under the said by-law, shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said city of Brantford and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

Preamble.

By-law 402 of the city of Brantford confirmed.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act respecting By-law No. 402 of the  
City of Brantford.

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First Reading, 1888.

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(Private Bill.)

Mr. HARDY.

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TORONTO,

PRINTED BY WARWICK & SONS, 26 & 28 FRONT ST., W.

An Act respecting By-law No. 402 of the city of  
Brantford.

**W**HEREAS the Brantford, Waterloo and Lake Erie Rail- Preamble.  
way Company, and the corporation of the city of  
Brantford have petitioned praying that an Act may be passed  
to confirm and legalize a by-law of the said corporation, passed  
5 on the 10th day of December, A. D., 1887, entitled By-law  
No. 402, to grant a bonus of \$25,000 to the Brantford,  
Waterloo & Lake Erie Railway Company, and to take stock  
in the said company to the extent of \$25,000, *a copy of*  
*which said By-law is contained in the Schedule to this Act;*  
and whereas, the said the Brantford, Waterloo & Lake Erie  
10 Railway Company, and the said corporation of the city of  
Brantford, by their said petition, have represented that it is  
of advantage to the said city, as well as just and right, that  
the said by-law No. 402 should be ratified, legalized and  
confirmed; and whereas it is expedient to grant the prayer  
15 of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. The said by-law numbered 402, of the corporation of the By-law 402 of  
20 city of Brantford, entitled as *in the preamble to this Act*  
*recited, and which said By-law is set out in the Schedule to*  
*this Act,* is hereby confirmed and declared to be legal and  
valid to all intents and purposes, and the debentures issued, or  
to be issued, under the said by-law, shall be and the same are  
hereby declared to be valid, legal and binding upon the  
25 corporation of the said city of Brantford and the ratepayers  
thereof, notwithstanding anything in any Act to the contrary.

SCHEDULE.

By-law No. 402 to grant a bonus of \$25,000 to the Brantford, Waterloo  
& Lake Erie Railway Company, and to take stock in the said company  
to the extent of \$25,000.

Whereas by an Act of the Parliament of the Dominion of Canada,  
passed in the forty-eighth year of Her Majesty's reign, chapter 20, and  
intituled *An Act to incorporate the Brantford, Waterloo & Lake Erie*  
*Railway Company,* power is granted to construct and operate a line of  
railway through the city of Brantford to a convenient point on the  
Canada Southern Railway, and thence to a convenient point on, or near,  
the shore of Lake Erie;

And whereas the said Act was amended by the Act passed in the fiftieth  
year of Her Majesty's reign, intituled *An Act to amend the Act to*  
*Incorporate the Brantford, Waterloo & Lake Erie Railway Company;*

And whereas the said company is authorized to receive from any municipal corporation which may have power to grant the same in aid of the construction, equipment and maintenance of the said railway, bonuses in bonds, or loans, or gifts of money, or securities for money;

And whereas the corporation of the city of Brantford has determined to aid and assist the said railway company in the construction of the said railway by giving to said company debentures, as hereinafter mentioned, to the extent of \$25,000, and further determined to subscribe for 500 shares of \$50 each in the capital stock of the said company, under the authority of *The Municipal Act, 1883*, and amending Acts;

And whereas, in order to carry out the last recited object, it will be necessary for the said municipal corporation to issue debentures to the extent of \$50,000, as hereinafter mentioned, payable at twenty years, at furthest, from the day when this by-law shall take effect;

And whereas it will be necessary for the said corporation to raise an annual sum of \$2,500 for the payment of the interest on the said debentures, and an annual sum of \$1,514.60 to form a sinking fund to pay off the said debentures at the expiration of twenty years, to be raised by a special rate annually on the whole ratable property of the said city, in the year 1889 and in each of the next nineteen succeeding years; and the sum so required to be raised in each of such years to pay the debentures hereinafter authorized to be issued and the interest thereon, at 5 per cent. per annum, is the sum of \$4,014.60;

And whereas the amount of the whole ratable property of the city of Brantford, according to the last revised assessment roll of the said city, is the sum of \$4,650,040, and the amount of the existing debenture debt of the said city is the sum of \$266,718, no part of which, or its interest, being in arrears;

And whereas for paying the interest on said debentures (which is the sum of \$2,500 each year), and for creating a sinking fund to pay the said debentures, which is the sum of \$1,514.60 each year, and which together form the said sum of \$4,014.60, it will require the said sum of \$4,014.60 to be raised annually by special rate on all the ratable property of the said municipality, in addition to all other rates and assessments to be levied in each year on the whole of the said ratable property during the said period.

Be it therefore enacted by the municipal corporation and council of the city of Brantford:

1. That it shall be lawful for the said corporation of the city of Brantford to aid and assist the Brantford, Waterloo & Lake Erie Railway Company by giving the said company the debentures hereinafter mentioned by way of a bonus, subject, nevertheless, to the provisions and conditions hereinafter expressed.
2. It shall and may be lawful for the mayor of the said corporation, for and on behalf of the said corporation, to subscribe for five hundred shares of \$50 each, in all, the sum of \$25,000, in the capital stock of the said company, subject to the conditions hereinafter mentioned, and the mayor of the said corporation, or such other member of the council of the said corporation as the said council shall appoint, shall be *ex officio* one of the directors of the said company.
3. That, for the purpose aforesaid, it shall be lawful for the mayor of the said corporation to cause any number of debentures of the said corporation to be made for such sums of money as shall be required for such purposes, of not less than one hundred dollars each, and not exceeding in the whole \$50,000, which debentures shall be sealed with the seal of the said corporation, and signed by the mayor and countersigned by the treasurer of the said corporation.
4. That the said debentures shall be made payable within twenty years from the day on which this by-law shall take effect, namely, on the first day of July, 1888, and shall be made payable at the office of the treasurer of the said corporation of the city of Brantford, and shall bear interest at the rate of 5 per centum, payable annually on the first day of July in each year, at the office of the said treasurer, and shall have attached to them coupons for payment of the said interest as aforesaid.
5. That for the purposes of paying said debentures and interest the sum of \$4,014.60 shall, in addition to all other rates, be assessed, raised, levied and collected upon all the ratable property in the municipality of the said city of Brantford in each year of the currency of the said debentures, by a special rate sufficient to raise the said sum annually.

6. That none of the said debentures to be signed and issued as aforesaid shall be delivered to the said Company until the Company shall have fully and completely bridged and graded so as to be ready for the ties and rails, the whole of their line of railway, from a point near the Grand River in the city of Brantford, to the main line of the Canada Southern (now the Michigan Central) Railway, at or near the village of Waterford or Hagersville.

7. That so soon as the said railway company shall (as herein mentioned) have fully and completely bridged and graded so as to be ready for the ties and rails, the whole of their line of rail from the said city of Brantford to the main line of the Canada Southern or Michigan Central Railway and shall have produced to the said corporation the certificate of the chief engineer of the said railway company, countersigned by the mayor and clerk of the said corporation and sealed with the seal of the said corporation to such effect, then the said corporation shall deliver over to the treasurer of the said railway company, for the use of the said company, the said debentures, with the relative unaccrued coupons, issued under and by virtue of this by-law, or any principal money which has been paid thereunder.

8. That if the said line of railway shall not be completed and fully bridged and graded as aforesaid within the time fixed and limited by the Acts incorporating the said company, or by any Act which may be passed granting a further extension of time therefor, then this by-law shall be void, and the debentures issued there under shall be cancelled.

9. That so soon as the said railway company shall have constructed their said line of railway in the seventh paragraph hereof mentioned so that the same is in a fit condition to carry traffic, and shall have built and equipped a proper and convenient station and warehouse, with all necessary sidings and other things appertaining thereto, at some convenient point in said city near the Grand River in said city, and shall produce to the said corporation the certificate of the chief engineer of the said company, countersigned by the mayor and clerk, and sealed with the seal of the said corporation to that effect, said corporation shall by their mayor subscribe for and fully pay up five hundred shares of \$50 each, in all the sum of \$25,000 of the capital stock of the said company.

10. The said railway company shall construct and maintain at some convenient point in said city a proper and convenient passenger and freight stations, suitable for the accommodation of passengers and the receipt of freight, with proper and suitable sidetracks and other convenience, within the space of two years from the date of this by-law coming into effect. And in case said company shall make default in the premises then this by-law shall be void and of no effect.

11. All the coupons accrued due on said debentures prior to the delivery of the same to the said railway company, shall be the property of said corporation and shall not be delivered to said company.

12. The said railway company shall be and continue to be an independent company, and the line of said railway shall extend and run from said city of Brantford to the Michigan Central Railway or Canada Southern Railway, otherwise the said debentures shall not be delivered to the said company, but the same shall be cancelled, and all moneys paid hereunder shall be forthwith repaid to said city by said company, provided that said company shall have the right from time to time to grant running powers over the said line of railway to the Michigan Central or Canada Southern Railway Company on such reasonable terms and for such periods as may be agreed upon by said company or companies.

13. No lease or other contract for running that portion of the said railway company's road lying between the city of Brantford and the Canada Southern Railway or Michigan Central Railway, or whereby the said company's road shall be under the management or control of any railway company or corporation other than the Canada Southern Railway or Michigan Central Railway Company, shall be at any time made; and no sale whatever of said portion of said road shall be made unless the consent of the ratepayers of the city of Brantford shall first be had and obtained by by-law to be passed pursuant to and in accordance with the provisions of *The Municipal Act* in regard to Bonus By-laws.

14. The said railway company and the said corporation shall jointly petition the House of Commons of the Dominion of Canada and the Legislature of the Province of Ontario to ratify the provisions of this by-law, or such part thereof as may be required at their ensuing sessions, and the said company shall bear the expense of such legislation.

15. Unless the ratification in the last clause mentioned is obtained the council of the said corporation may declare this by-law void and of no effect.

16. This by-law shall take effect on, from and after the first day of July, A.D. 1888.

17. That a poll be held and the votes of the electors of the said city entitled to vote thereon shall be taken on the second day of January, A.D. 1888, on the said proposed by-law, at the hour of nine o'clock in the forenoon, and continue until the hour of five o'clock in the afternoon, at the following places and by the following persons hereby appointed Deputy Returning Officers, viz.:

## NORTH WARD.

<i>Deputy Returning Officer.</i>	<i>Place.</i>
Div. No. 1, Richard W. Brooks . . . . .	Cornelius Carey's house, Niagara street.
" " 2, David Wilson . . . . .	Henry Wood's house, Waterloo street.
" " 3, Maurice Quinlan . . . . .	Henry Budson's house, corner Adelaido and Albion streets.
" " 4, W. F. Thompson . . . . .	Robt. McKenzie's house, William street.
" " 5, James Cox . . . . .	George Knowle's house, Egerton street.
" " 6, Sunon E. Plewes . . . . .	Peter Casey's shop, east side West Mill street.

## KING'S WARD.

" " 7, Robert Welsh . . . . .	George Fletcher's shop, Oxford street.
" " 8, John Callis . . . . .	Wm. App's shop, Colborne street.

## QUEEN'S WARD.

" " 9, S. Snider . . . . .	B. Bell & Son's shop, Colborne street.
" " 10, Benjamin Hunn . . . . .	Engine house.
" " 11, L. B. Carey . . . . .	L. B. Carey's shop, Market street.

## BRANT WARD.

" " 12, David Curtis . . . . .	City Hall.
" " 13, John C. Heaton . . . . .	A. G. Scott's house, Dalhousie street.
" " 14, Joseph Tilley . . . . .	Court House.
" " 15, James W. Tutt . . . . .	Mrs. Oxtaby's house, Arthur street.

## EAST WARD.

" " 16, John A. Leitch . . . . .	George Haddlesay's house, Arthur street.
" " 17, William Frank . . . . .	Albert Waldron's house, Victoria street.
" " 18, E. Kester . . . . .	John Fisher's house, Dalhousie street.

## EAST WARD.

" " 19, Joseph McLean . . . . .	Mrs. Hobson's house, Nelson street.
" " 20, Joseph Thomas . . . . .	Wm. Draper's house, Chatham street.

18. That the clerk of the said municipal corporation shall sum up the number of votes given for or against this by-law at the hour of ten o'clock in the forenoon on the third day of January, A.D., 1888, at the city hall, in the city of Brantford, and the mayor of the said city shall attend at



the office of the said clerk in said city on Thursday, the twenty-second day of December, A.D., 1887, at ten o'clock in the forenoon, which time and place are hereby fixed for the appointment of persons to attend at the polling places and at the final summing up of the votes by the clerk respectively on behalf of persons interested in promoting and opposing the above by-law.

TAKE NOTICE.

That the above is a true copy of the proposed by-law, which will be taken into consideration by the council of the corporation of the said city of Brantford, on Monday, the sixteenth day of January, 1888, at 7.30 o'clock p.m., being more than one month from the first publication of the same in the "Brantford Daily Expositor" newspaper, the date of which publication is the tenth day of December, 1887, and at the day and hour and places in said by-law fixed for taking the votes of the electors thereon, the poll will be had for taking the votes of the electors of the said city on said proposed by-law.

COUNCIL CHAMBERS, BRANTFORD,  
10th December, A.D., 1887.

[Sgd.] JAMES WOODYATT,  
Clerk of the Council of the  
City of Brantford.

Passed on the 16th day of January, 1888.

[Sgd.] JAMES WOODYATT,  
City Clerk.

[Sgd.] CHAS. B. HEYD.

[Sgd.] GEORGE H. WILKES,  
President.

[Sgd.] J. J. HAWKINS,  
Secretary.

{ L.S. }

[Sgd.] CHAS. B. HEYD,  
Mayor.

[Sgd.] JAMES WOODYATT,  
City Clerk.

{ L.S. }

BILL.

An Act Respecting By-law No. 402 of the  
City of Brantford.

*Re-printed as Amended by Railway  
Committee.*

First Reading, 10th February, 1888.

(Private Bill)

Mr. HARDY.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to provide for the division of the Township of  
Walsingham.

Preamble.

**W**HEREAS, certain inhabitants and ratepayers of the township of Walsingham, in the county of Norfolk, have by their petition represented that, it is expedient to separate the said Township of Walsingham, into two distinct municipalities, inasmuch, as such division of the said Township, will greatly promote the welfare and convenience of its inhabitants ; and whereas, it is expedient to grant the prayer of the said petition ;

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows :—

1. Upon, from and after the last Monday, in December, 1888, the inhabitants of that portion of the said township of Walsingham, which lies north of the allowance for road between the sixth and seventh concessions of the said township of Walsingham, shall constitute a separate township or corporation, under the name of the corporation of the township of North Walsingham, and the said territory shall thereafter be deemed to be such separate municipality for all municipal, school and other purposes whatsoever in the same manner to all intents and purposes as, and such municipality and township corporation hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to, other townships in the Province of Ontario.
2. Upon, from and after the last Monday, in December, 1888, the inhabitants of all that portion of the said township of Walsingham, which lies south of the allowance for road between the sixth and seventh concessions of the said township of Walsingham, shall constitute a separate township or corporation under the name of the corporation of the township of South Walsingham, and the said territory shall thereafter be deemed to be such separate municipality for all municipal, school and other purposes whatsoever in the same manner to all intents and purposes as, and such municipality and township corporation hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to, other townships in the Province of Ontario.
3. All and every the assets and debts of the present municipality of Walsingham shall be divided between the said respective municipalities of North Walsingham and South Walsingham, in the same manner and by the same proceedings as nearly as may be as in the case of a separation of a junior

Township  
of North  
Walsingham.Township  
of South  
Walsingham.Division of  
assets.

township from a senior township, and so soon as the said debts shall have been divided as aforesaid each of the said municipalities shall be bound to the repayment of the share of the said debts, which shall have been so assigned to it as aforesaid as though such share of the said debts had been incurred by such municipalities respectively; each of the townships hereby created remaining, however, liable as surety in respect of the share (if any) of the said debts which it is not its duty primarily to pay.

First election  
of councillors.

4. The first nomination for the election of municipal councillors for the said townships shall take place on the said last Monday of December, in the year 1888, and the polling (if any) at such election shall take place on the first Monday in January next thereafter and the place for holding such nomination for the township of North Walsingham, shall be at the Masome Hall, in the village of Langton, and the returning officer at such election shall be the township clerk, of the present township of Walsingham, and the place for holding the nomination for the township of South Walsingham, shall be at the Town Hall, in the village of Walsingham Centre, and the returning officer at such election shall be the clerk for the time being of the sixth division court of the county of Norfolk, and the township council of the present township of Walsingham, shall divide the said township of North Walsingham and South Walsingham into polling sub-divisions and appoint deputy returning officers therefor for the first election to be holden therein as provided by the statutes in that behalf; the provisions of the municipal law having reference to the case of a separation of a junior from a senior township shall apply to the townships hereby formed as if such townships, had been a union of townships, except where it is otherwise, herein specially provided, and for the purpose of applying such provisions the said township of North Walsingham, shall be deemed to have been the senior township and the township of South Walsingham shall be deemed to have been the junior township, and the corporation of the township of North Walsingham shall be deemed to be a continuation of the corporation of the township of Walsingham.

Township  
clerk to fur-  
nish returning  
officer of south  
Walsingham  
with a copy  
of assessment  
roll.

5. The clerk of the said township of Walsingham shall furnish to the returning officer of the township of South Walsingham before the said election a copy of the assessment roll of the township of Walsingham for the year 1888, so far as the same contains the ratable property assessed and the names of the owners, tenants and occupants thereof within that part of the said township which is hereby constituted the township of South Walsingham.

By-law to aid  
the South  
Norfolk Ry.  
Co., to be  
submitted to  
electors in  
part of town-  
ship constitut-  
ing South  
Walsingham.

6. Immediately after the final passage of this Act, it shall be the duty of the municipal council of the township of Walsingham to submit to the duly qualified electors of that portion of the said township hereafter to be known as South Walsingham, a by-law granting a bonus to the South Norfolk Railway Company, in accordance with the terms of any petition presented to the said municipal council by not less than fifty ratepayers and freeholders of that portion of the said township of Walsingham hereafter to be known as South Walsingham, and provided the said by-law receives the assent of

the electors of South Walsingham, in accordance with the provisions of the Statute in that behalf, it shall be the duty of the municipal council of the township of Walsingham to finally pass the said by-law and of the reeve and other officers  
 5 of the said township to comply with the requirements thereof, and to carry out all the provisions of the law necessary for the publication, promulgation and registration thereof, but the debenture debt thereby created shall not affect the township hereafter to be known as North Walsingham, but shall be  
 10 binding only on the township of South Walsingham; and for the purpose of submitting and carrying out the provisions of the said by law and enabling the reeve and municipal council and clerk of the said township of Walsingham to comply with the requirements of the law relating to the same  
 15 this Act shall take effect and come into full force from and after the day upon which it receives the assent of His Honour the Lieutenant-Governor of Ontario.

7. All expenses of obtaining this Act and of furnishing any documents, copies of papers, writings, deeds or any matter  
 Expenses of Act.  
 20 whatsoever required by the township of South Walsingham, as well as all expenses connected with the giving effect to the provisions of the preceding section of this Act shall be paid by the said township of South Walsingham to any party or parties entitled thereto.

No. 28.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL

An Act to provide for the division of the  
Township of Walsingham.

First Reading,	1888
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(Private Bill.)

MR. FREEMAN.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST., W.

An Act to provide for the division of the Township of  
Walsingham.

**W**HEREAS certain inhabitants and ratepayers of the Preamble.  
township of Walsingham, in the county of Norfolk,  
have by their petition represented that it is expedient  
5 to separate the said township of Walsingham into two distinct municipalities, inasmuch as such division of the said township will greatly promote the welfare and convenience of its inhabitants ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty by and with the advice and consent  
10 of the Legislative Assembly, of the Province of Ontario, enacts as follows :—

1. Upon, from and after the last Monday, in December, 1888, Township of North Walsingham.  
the inhabitants of that portion of the said township of Walsingham, which lies north of the allowance for road between  
15 the sixth and seventh concessions of the said township of Walsingham, shall constitute a separate township or corporation, under the name of the corporation of the township of North Walsingham, and the said territory shall thereafter be deemed to be such separate municipality for all municipal,  
20 school and other purposes whatsoever in the same manner to all intents and purposes as, and such municipality and township corporation hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to, other townships in the Province of Ontario.

25 2. Upon, from and after the last Monday, in December, Township of South Walsingham.  
1888, the inhabitants of all that portion of the said township of Walsingham, which lies south of the allowance for road  
between the sixth and seventh concessions of the said township of Walsingham, shall constitute a separate township or  
30 corporation under the name of the corporation of the township of South Walsingham, and the said territory shall thereafter be deemed to be such separate municipality for all municipal, school and other purposes whatsoever in the same manner to all intents and purposes as, and such municipality  
35 and township corporation hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to, other townships in the Province of Ontario.

3. All and every the assets and debts of the present municipality of Walsingham shall be divided between the said Division of assets.  
40 respective municipalities of North Walsingham and South Walsingham, in the same manner and by the same proceedings as nearly as may be as in the case of a separation of a junior

township from a senior township, and so soon as the said debts shall have been divided as aforesaid each of the said municipalities shall be bound to the repayment of the share of the said debts, which shall have been so assigned to it as aforesaid as though such share of the said debts had been incurred by such municipalities respectively; each of the townships hereby created remaining, however, liable as surety in respect of the share (if any) of the said debts which it is not its duty primarily to pay. 5

First election of councillors.

4. The first nomination for the election of municipal councillors for the said townships shall take place on the said last Monday of December, in the year 1888, and the polling (if any) at such election shall take place on the first Monday in January next thereafter and the place for holding such nomination for the township of North Walsingham, shall be at the Masonic Hall, in the village of Langton, and the returning officer at such election shall be the township clerk of the present township of Walsingham, and the place for holding the nomination for the township of South Walsingham shall be at the Town Hall, in the village of Walsingham Centre, and the returning officer at such election shall be the clerk for the time being of the sixth division court of the county of Norfolk, and the township council of the present township of Walsingham shall divide the said township of North Walsingham and South Walsingham into polling sub-divisions and appoint deputy returning officers therefor, for the first election to be holden therein, as provided by the statutes in that behalf. 10  
 The returning officers aforesaid shall cause one week's notice of the respective nominations to be posted up in at least three conspicuous places in said township, and shall preside thereat; and in case of their absence, the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer, and the duties of said returning officers shall be those prescribed by law. 15 20 25 30 35

Provisions of municipal law to apply.

5. The provisions of the municipal law having reference to the case of a separation of a junior from a senior township shall apply to the townships hereby formed as if such townships had been a union of townships, except where it is otherwise herein specially provided, and, for the purpose of applying such provisions, the said township of North Walsingham shall be deemed to have been the senior township and the township of South Walsingham shall be deemed to have been the junior township, and the corporation of the township of North Walsingham shall be deemed to be a continuation of the corporation of the township of Walsingham. 40 45

Township clerk to furnish returning officer of south Walsingham with a copy of assessment roll.

6. The clerk of the said township of Walsingham shall furnish to the returning officer of the township of South Walsingham before the said election a copy of the assessment roll of the township of Walsingham for the year 1888, so far as the same contains the ratable property assessed and the names of the owners, tenants and occupants thereof within that part of the said township which is hereby constituted the township of South Walsingham. 50



7. Immediately after the final passage of this Act, it shall be the duty of the municipal council of the township of Walsingham to submit to the duly qualified electors of that portion of the said township hereafter to be known as South Walsingham, a by-law granting a bonus to the South Norfolk Railway Company, in accordance with the terms of any petition presented to the said municipal council by not less than fifty ratepayers and freeholders of that portion of the said township of Walsingham hereafter to be known as South Walsingham, and provided the said by-law receives the assent of the electors of South Walsingham, in accordance with the provisions of the Statute in that behalf, it shall be the duty of the municipal council of the township of Walsingham to finally pass the said by-law and of the reeve and other officers of the said township to comply with the requirements thereof, and to carry out all the provisions of the law necessary for the publication, promulgation and registration thereof, but the debenture debt thereby created shall not affect the township hereafter to be known as North Walsingham, but shall be binding only on the township of South Walsingham; and, for the purpose of submitting and carrying out the provisions of the said by-law and enabling the reeve and municipal council and clerk of the said township of Walsingham to comply with the requirements of the law relating to the same, this Act shall take effect and come into full force from and after the day upon which it receives the assent of His Honour the Lieutenant-Governor of Ontario.

By-law to aid the South Norfolk Ry. Co., to be submitted to electors in part of township constituting South Walsingham.

8. All expenses of obtaining this Act and of furnishing any documents, copies of papers, writings, deeds or any matter whatsoever required by the township of South Walsingham, as well as all expenses connected with the giving effect to the provisions of the preceding section of this Act shall be paid by the said township of South Walsingham to any party or parties entitled thereto.

Expenses of Act.

No. 28.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to provide for the division of the  
Township of Walsingham.

*Reprinted as amended by Private Bills  
Committee.*

First Reading, 17th February, 1888.

(Private Bill.)

Mr. FREEMAN.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to enable the Corporation of the County of  
Perth to sell certain Lands,

**W**HEREAS, the corporation of the County of Perth by Preamble.  
their petition, have shewn that lots numbers 41, 42,  
43, 86 and 87, in McCulloch's survey of park lot number 435  
in the Canada Company's survey in the city of Stratford,  
5 were on the 10th day of October, A. D. 1851, conveyed to the  
provisional warden and council of the county of Perth, then  
one of the united counties of Huron, Perth and Bruce, and  
their successors in office for ever, for the express purpose of  
being a site on which to erect the gaol, court house and other  
10 public buildings of the said county, and that the county gaol,  
court house and registry office were built upon the said lands  
in the year 1852, and have been used as such until recently  
the gaol and court house became inadequate, and new build-  
ings have been erected upon other lands, the said site being  
15 deemed insufficient; and that the said county is desirous of  
selling the said lands, or so much thereof as may not be re-  
quired in connection with the said registry office; and have  
prayed that the said lands be vested in the said corporation  
absolutely freed and discharged of every condition, and that  
20 the said corporation be enabled to sell and convey the said  
lands or so much thereof as may be deemed desirable; and  
whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario, enacts  
25 as follows:—

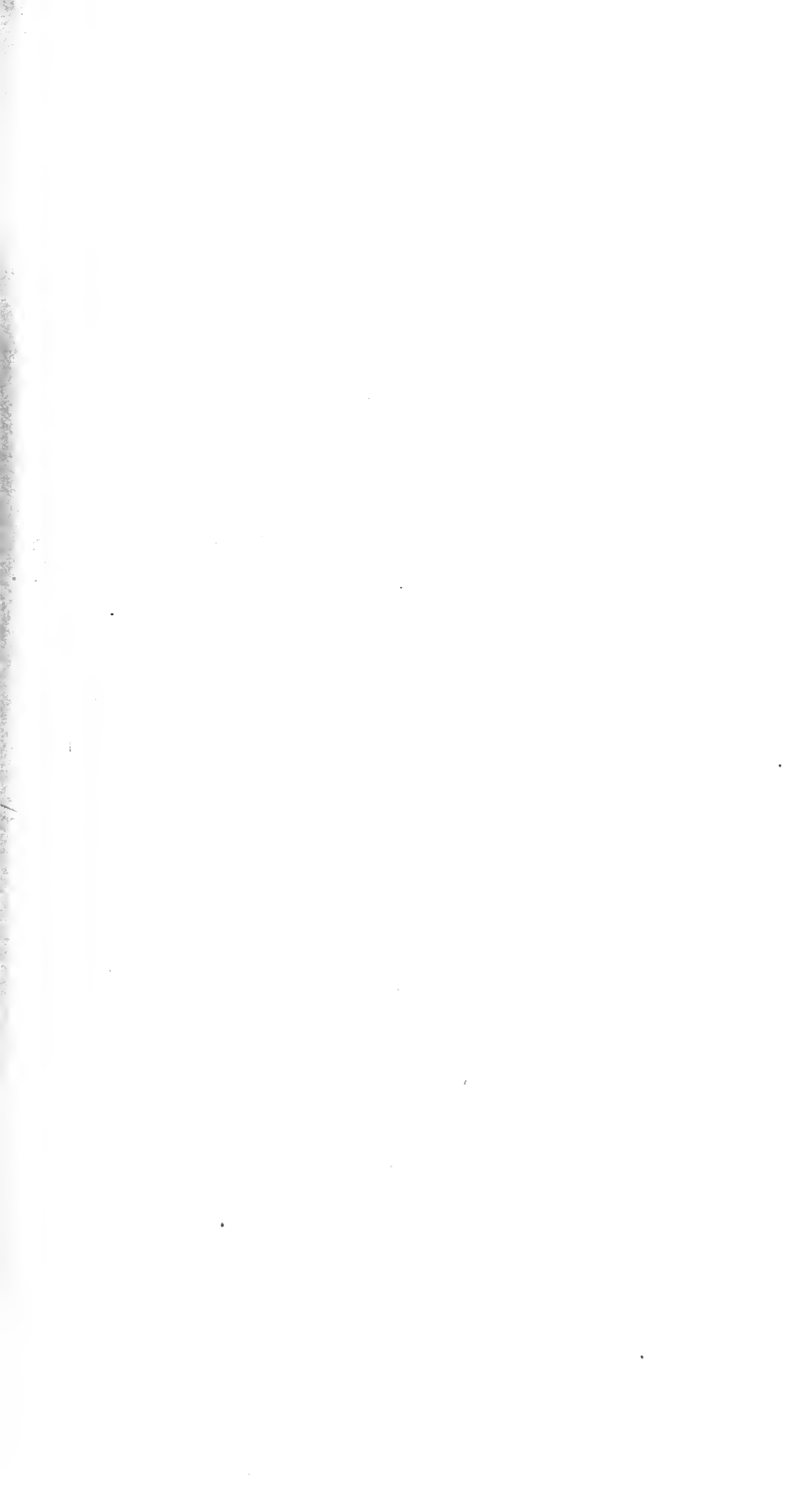
1. The said lands composed of lots numbers 41, 42, 43, 86 Lands vested  
in corporation  
of county.  
and 87 in McCulloch's survey of park lot number 435 in the  
Canada Company's survey in the city of Stratford, in the  
30 county of Perth, is hereby vested in the corporation of the  
county of Perth, its successors and assigns for ever.

2. The corporation of the county of Perth may sell the said Sale of lands  
authorized.  
lands or such part thereof as the council of the said county by  
by-law may direct, and the said council may pass a by-law or  
35 by-laws providing for the sale of the said land, either in one  
or more parcels, and such sale may be made either by public  
auction, tender or private contract, as to the said council may  
seem proper.

3. A conveyance of the said land or any part thereof may be Execution of  
Conveyance.  
40 made by the corporation of the county of Perth, and if signed  
by the warden and clerk, and countersigned by the treasurer  
of the said county, such conveyance shall be deemed to be in  
pursuance of a proper by-law of the said county duly passed.

Application of  
purchase  
money.

4. The moneys realized by such sale shall be applied for such county purposes as the said council shall direct, but no purchaser shall be bound to see to the application of his purchase money.



2nd Session, 6th Legislature, 51 Vic, 1888.

BILL

An Act to enable the Corporation of the  
County of Perth to sell certain lands.

First Reading,	1888.
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(Private Bill.)

MR. BALLANTYNE

TORONTO:

PRINTED BY WATSON & SONS, 26 AND 28 FRONT ST. W.

## An Act to incorporate the Village of Tavistock.

**W**HEREAS, the inhabitants of the village of Tavistock, <sup>Preamble.</sup>  
 have by their petition represented that the said village,  
 has a population of eight hundred souls and that the incorpor-  
 5 ation of the said village, would promote its progress and prosper-  
 ity, and have prayed for its incorporation accordingly; and  
 whereas, it is expedient to grant the prayer of the said petition;  
 Therefore Her Majesty by and with the advice and consent of  
 the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

10 1. On and after the passing of this Act, the inhabitants of  
 the said village of Tavistock, comprised within the boundaries  
 in section 2 of this Act mentioned shall be and they are hereby  
 constituted a corporation and body corporate under the name  
 of "The Corporation of the Village of Tavistock," separate and  
 15 apart from the township of South Easthope, in the county  
 of Perth and the township of East Zorra, in the county of  
 Oxford, in which townships the said village is now situate,  
 and shall enjoy all such rights, powers and privileges as are now  
 or shall hereafter be conferred upon incorporated villages in the  
 20 Province of Ontario.

2. The said village of Tavistock shall be contained within <sup>Boundaries.</sup>  
 the following limits namely—commencing at the south-east-  
 erly angle of the west half of lot thirty-five in the thirteenth  
 concession of the township of East Zorra; thence south  
 25 sixty-eight degrees west along the southerly limits of said  
 half lot thirty-three chains and thirty-three links more or less  
 to the south-westerly angle thereof; thence on the same course  
 across the road between concessions twelve and thirteen, one  
 chain to the south-easterly angle of lot thirty-five in conces-  
 30 sion twelve; thence on the same course along the southerly  
 limit of lot thirty-five, thirty-three chains and thirty-three  
 links more or less to the south-westerly angle of the east half  
 of the said lot; thence on the same course twenty links more  
 or less to the westerly limit of the Port Dover and Lake  
 35 Huron Railway Company's lands; thence northerly along the  
 westerly limit of the Company's lands across lots thirty-five  
 and thirty-six in East Zorra to the road between the town-  
 ships of East Zorra in the county of Oxford and South East-  
 hope in the County of Perth, and lot twenty-three concession  
 40 six in the township of South Easthope to the northerly limit  
 of said lot twenty-three; thence due east along the northerly  
 limit of lot twenty-three to the south-westerly angle of lot  
 twenty-two in the fifth concession; thence north one degree  
 west along the westerly limit of said lot twenty-two to the

northerly limit of the Grand Trunk Railroad Company's lands ;  
 thence south sixty-five degrees east along the northerly limit  
 of the said Company's lands eight chains and thirty-five links  
 more or less to an angle therein ; thence south twenty-five  
 degrees west thirty links ; thence south sixty-five degrees east  
 along the said company's northerly limit nine chains and sev- 5  
 enty-five links more or less to the line between the fifth and  
 sixth concessions ; thence east along the said dividing line to the  
 south-west angle of lot twenty-one, in the fifth concession ;  
 thence north one degree west along the westerly limit of lot 10  
 twenty-one until intersecting a line drawn parallel to the  
 front of the said lot twenty-one from a point distant two  
 chains and twenty-five links on a course of north one degree  
 west from the south-west angle of a sub-division of lot twenty 15  
 in concession five lettered B in a registered plan made under  
 the authority of the municipal council of South Easthope ;  
 thence east along the said line across lot twenty-one and the  
 road between lots twenty and twenty-one to the said point in  
 lot letter B ; thence on the same course and parallel to  
 the front of lot twenty across lot twenty and a part of 20  
 nineteen until intersecting a line drawn parallel to the line or  
 limit between lots nineteen and twenty from a point on the  
 southerly limit of lot nineteen distant nine chains and fifty  
 links from the south-west angle of said lot nineteen ; thence  
 south one degree east along the last mentioned line to the said 25  
 point on the southerly limit of nineteen ; thence south thirty  
 minutes west across the road between the townships of South  
 Easthope and East Zorra and lots thirty-six and thirty-five in  
 the thirteenth concession thirty nine chains and fifty links be  
 the same more or less to the place of beginning,—containing 30  
 by admeasurement five hundred acres more or less exclusive  
 of streets.

First election  
 of Council.

3. Immediately after the passing of this Act, it shall be  
 lawful for John G. Staebler, of the said village of Tavistock,  
 merchant, who is hereby appointed the returning officer to 35  
 hold the nomination for the first election of reeve and four  
 councillors at Jung's Hall, in the said village, or some other  
 prominent place in the said village at the hour of noon, and he  
 shall give at least one week's notice thereof by causing at least  
 ten notices to be posted up in conspicuous places in the said 40  
 village and he shall preside at such nomination, or in case of  
 his absence the electors present shall choose from among them-  
 selves a chairman who shall officiate and shall have all the  
 powers of a returning officer. And the polling for the said  
 election in the event of there being a poll required shall be 45  
 held on the same day of the week in the week next following  
 the said nomination and at the same place, and the duties of  
 the returning officer shall be those prescribed by law with  
 respect to incorporated villages.

Qualification  
 of electors, etc.

4. At the said first election the qualification of the electors 50  
 and of the reeve and councillors for the said village shall be  
 the same as that required in townships, and at all subsequent  
 elections the qualifications of the electors, reeve, councillors,  
 and other officers shall be the same as that required in incor-  
 porated villages. 55



5. The townships clerks of the townships of South Easthope and East Zorra respectively shall furnish the said returning officer upon demand made upon them for the same with a certified copy of so much of the last revised assessment rolls for the said townships respectively as may be required to ascertain the names of the persons entitled to vote at such first election or with the collector's roll or with any document, writing or statement that may be required for that purpose. Township Clerks to furnish copies of rolls.
6. The reeve and councillors so to be elected shall hold their first meeting at Jung's Hall, in the said village, at the hour of noon on the same day of the week in the week next following the polling, or if there be no polling on the same day of the week next following the nomination. First meeting of Council.
7. Except as otherwise provided by this Act the provisions of *The Municipal Act*, and of all other general Acts respecting Municipal institutions with regard to matters consequent on the formation of new corporations and other provisions of the said Acts applicable to incorporated villages shall apply to the village of Tavistock, in the same manner as they would have been applicable had the said village of Tavistock been incorporated under the provisions of the said Act. Municipal Acts to apply.
8. From and after the passing of this Act the said village of Tavistock shall for all municipal and judicial purposes and also for the purpose of registration of titles affecting lands be attached to and form part of the County of Perth and shall to all intents and purposes form a separate and independent municipality in the County of Perth and shall cease to form any part of the Townships of South Easthope and East Zorra respectively, and shall have all the rights, privileges and jurisdiction of an incorporated village in Ontario and shall for the purpose of elections, to the Legislative Assembly of Ontario form part of the electoral district of the South Riding of the County of Perth. Village to form part of the County of Perth.
9. The said village of Tavistock shall be liable to pay to the treasurer of each of the townships of South Easthope and East Zorra in each and every year such and the same proportion of any debts contracted by the said townships or either of them prior to the present year as the amount of the assessed property for each township within the limits of the said village as shewn by the assessment rolls of the said townships of South Easthope and East Zorra for the year of our Lord 1887, bears to the whole amount of the assessed property of the said townships respectively, until such debts shall be fully satisfied and the parts of the said village of Tavistock, situated in the townships of South Easthope and East Zorra respectively shall contribute towards the payment of the said debts in the same proportion as if this Act had not been passed and for that purpose special rates shall be levied and the said village of Tavistock shall be entitled to recover from the said townships of South Easthope and East Zorra respectively such shares of all money on hand, due or owing or of right collectable by and belonging to the said townships respectively at and prior to the said time of incorporation or thereafter if entitled thereto as shall bear such proportions to the whole as the amounts of the assessed property within the limits of the Payment of existing liabilities.

said village as shewn by the said assessment rolls of the year 1887 bear to the whole amount of the assessed property of the said townships respectively.

Assessment  
for 1888.

**10.** The time for taking the assessment in the said village of Tavistock for the year 1888 and for the return of the assessment roll to the clerk of the municipality is hereby extended to the first day of July, in the said year and the time for revision shall be the same as in cases provided for by sub-section 2 of section 54 of *The Assessment Act*; and the property within the limits of the said village shall not be liable for any rates levied by the corporation of the townships of South Easthope and East Zorra on the assessments made by the said townships for the year 1888. 5 10

Qualification  
of members of  
township  
Councils not  
affected.

**11.** Nothing herein contained shall have the effect of disqualifying any member of the municipal councils of the townships of South Easthope and East Zorra or either of them from holding office in said councils during the current year. 15

Expenses of  
Act.

**12.** The expenses of obtaining this Act and of furnishing any documents, copies of papers, writings, deeds or any matter whatsoever required by the clerk of the said village or otherwise, shall be borne by the said village and paid by it to any party or parties that may be entitled thereto. 20

Liquor  
Licenses.

**13.** For the purposes of *The Liquor License Act* and *The Canada Temperance Act*, that part of the village of Tavistock hereby incorporated which lies in the township of East Zorra shall until *The Canada Temperance Act* is repealed in the county of Oxford not be a part of the county of Perth. Subject to any by-law of the village council the license commissioners may grant licenses to as many taverns in that part of the village so now lying in the township of South Easthope as have licenses now, but the said village shall be entitled to the share of the license fees payable to the municipality on account of licenses issued within the limits thereof. 25 30



2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to incorporate the Village of  
Tavistock.

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First Reading, 1888.

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(Private Bill.)

Mr. BAILLANTYNE.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act respecting the South Norfolk Railway Company.

**W**HEREAS, certain portions of the townships of Charlotteville and Walsingham, in the county of Norfolk, would be greatly benefited by the construction of the line of railway between the town of Simcoe and the village of Port Rowan, which the South Norfolk Railway Company is authorized and empowered to construct; and whereas, in order to enable said townships, or such portions of them as may be specially interested in the construction of said line of railway, effectually to aid such construction, it is expedient to confer upon them the powers and privileges hereinafter mentioned:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Any portion of either of the said township municipalities which may be interested in securing the construction of the said line of railway, or through or near which the railway or works of the said company shall pass or be situated, may aid the said company by giving money or debentures by way of bonus, gift or loan under and subject to the provisions hereinafter contained: provided always, that no such aid shall be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the portion of the municipality to be affected thereby in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

**2.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

(1) A petition shall first be presented to the council defining the section by metes and bounds, or by lots and concessions, and shall be signed by not less than fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid, and shall express the desire to aid the said railway, and state in what way and for what amount.

(2) The council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same for the approval of the qualified voters.

**3.** Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the portion of the township municipality mentioned in the petition by the issue of debentures of the township municipality, and shall also provide for the delivery of the said debentures to the

Preamble.

Aid from townships.

Proviso.

Provisions as to bonus by-laws.

Provisions to be contained in by-law.

Judge of the County Court of the county of Norfolk as trustee to hold the same upon the trusts in the by-law declared of and concerning the same.

(2) For assessing and levying upon all rateable property lying within the portion of the township municipality defined in said by-law, an annual special rate sufficient for the repayment, either by means of a sinking fund or by annual instalments, of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the said municipal councils, reeves and other officers are hereby authorized to execute and issue in such cases respectively. 5

If by-law carried council to pass same.

4. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. 15

And issue debentures.

5. Within one month after the passing of such a by-law the said council and the reeve or other officers thereof shall issue the debentures necessary to raise the sum mentioned in such by-law, deliver the same to the said trustee, and otherwise act according to the terms thereof. 20

Rate not exceeding three cents in the dollar valid.

6. All by-laws to be submitted to such vote for granting bonuses or loans to the company not requiring the levying of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the rateable property affected thereby, shall be valid, although the amount of the annual rate to be levied in pursuance thereof shall exceed two cents in the dollar. 25



2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act respecting the South Norfolk  
Railway Company.

First Reading,	1888.
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(Private Bill.)

MR. MORGAN.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



## An Act respecting the South Norfolk Railway Company.

**W**HEREAS the South Norfolk Railway Company with others have by their petitions represented that certain townships on the line of the railway of the said company between the Town of Simcoe and the Village of Port Rowan would be greatly benefited by the construction of the said line of railway ; and whereas, in order to enable said townships, or such portions of them as may be specially interested in the construction of said line of railway, effectually to aid such construction, it is expedient to confer upon them the powers and privileges hereinafter mentioned ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**1.** Any township municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures, by way of bonus, gift or loan, under and subject to the provisions hereinafter contained: provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Aid from municipalities.


**2.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely :—

Provisions as to bonus by-laws.



**1.** The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same for the approval of the qualified voters ;

**2.** In the case of a township municipality, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*.



**3.** In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds or lots and concessions, and shall be that

of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid. 



By-law, what to contain.

 **3.** Such by-law shall in each instance provide: (1) For raising the amount petitioned for in the township municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the township municipality, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby as may be expressed in the said by-law; (2) For assessing and levying upon all ratable property lying within the township municipality or portion of the township municipality defined in said by-law, (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively. 



Deposit for expenses.

 **4.** Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. 



If by-law carried council to pass same.

 **5.** In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. 



And issue debentures.

 **6.** Within one month after the passing of such by-law the said council and the reeve, or other officers thereof, shall issue the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed, or to be appointed, under this Act. 



Levying rate on portion of municipality.

 **7.** In case any such loan or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. 


Application of Municipal Act as to by-laws.


 **8.** The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent, as if the same had been passed by or for the whole municipality. 



Extension of time for commencement.

 **9.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year. 

Extension of time for completion.



 **10.** It shall and may be lawful for the council of any township municipality that may grant aid by way of bonus to

the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time; provided that no such extension shall be for a longer  
5 period than one year at a time. 


 **11.** Any township municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding  
10 that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of  
15 school rates, than three cents in the dollar upon the value of the ratable property therein. 

Rate not exceeding three cents in the dollar valid.


Proviso.

 **12.** Whenever any township municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same,  
20 be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, or in case of only one municipality granting a bonus, then by the head of such municipality, all of the  
25 trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities, or head of said municipality, shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council  
30 shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees. Any of the said trustees may  
35 be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council. 



Trustees of debentures.

 **13.** The said trustees shall receive the said debentures  
40 or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or  
45 amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The South Norfolk Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of  
50 the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule A, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the  
55 cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrong.

Trusts of proceeds of debentures.

fully grant any such certificate under a penalty of \$500 recoverable in any court of competent jurisdiction by any person who may sue therefor. 

Fees to trustees.

 14. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.  5

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 SCHEDULE A.

(Section 13.)

*Chief Engineer's Certificate.*

10


THE SOUTH NORFOLK RAILWAY COMPANY'S OFFICE.

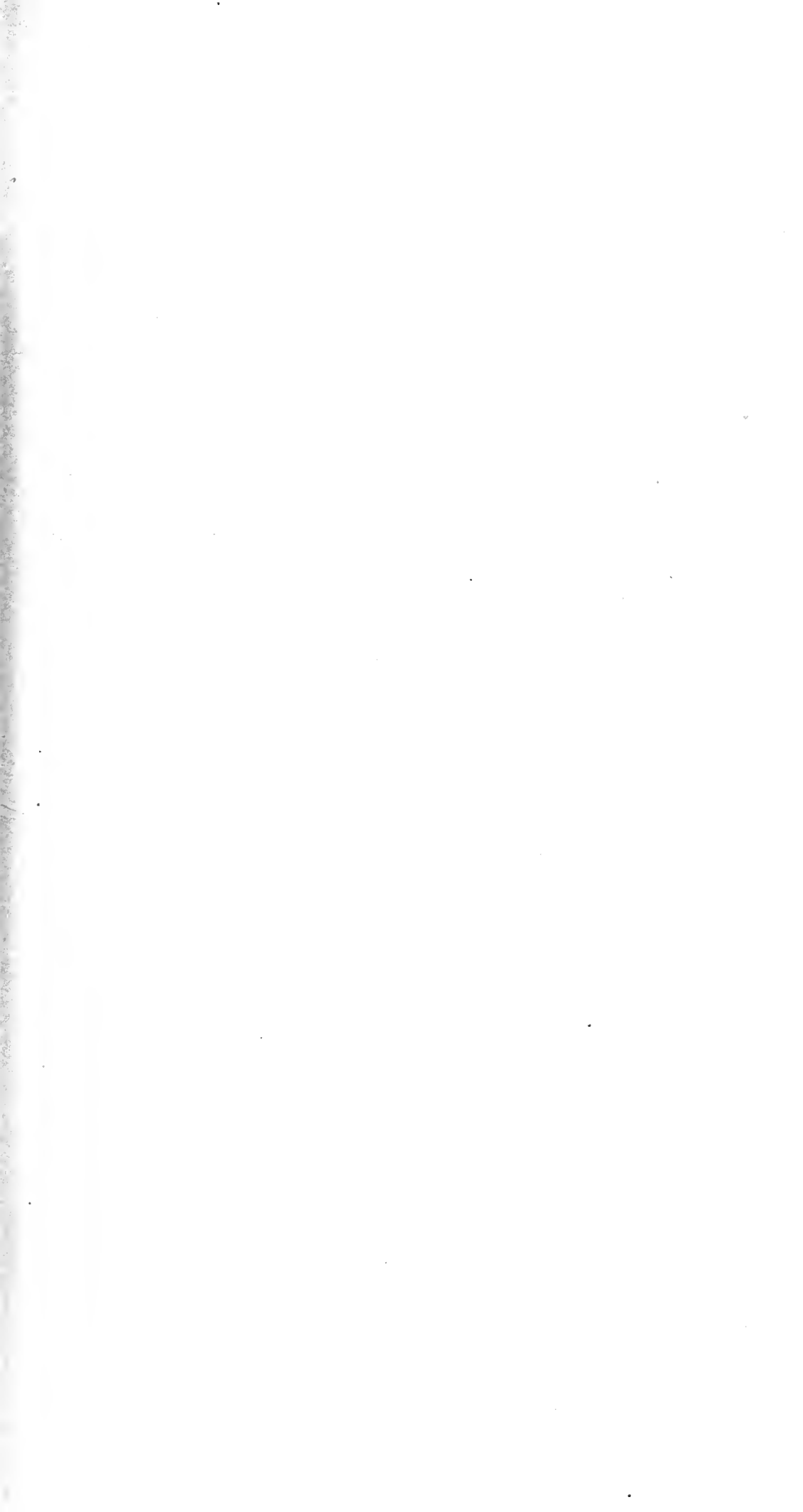
No.

*Engineer's Department.*

A.D. 18

Certificate to be attached to cheques drawn on the South Norfolk Railway Company Municipal Trust Account, given under section            chapter            of the Acts of the Legislature of Ontario, passed in the            year of Her Majesty's reign. 15

I, A.B., Chief Engineer of the South Norfolk Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No.            of the Township of            (or under the agreement dated the            day of            between the corporation of            and the said company) to entitle the said company to receive from the said trust the sum of [here set out the terms and conditions, if any, which have been fulfilled].  25



No. 31.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act respecting the South Norfolk  
Railway Company.

*Reprinted as amended by Railway  
Committee.*

First Reading, 7th February, 1888.

(Private Bill)

MR. MORGAN.

TORONTO.

PRINTED BY WARWICK & SON, 26 AND 28 FRONT ST. W.

An Act to authorize the Corporation of the City of  
London to sell certain Lands known as the  
Exhibition Grounds.

**W**HEREAS, the municipal council of the corporation of Preamble.  
the city of London has presented its petition setting  
forth that the said corporation, being the owners of the lands  
hereinafter mentioned, did by a certain indenture bearing date  
5 the twenty-first day of June, 1869, grant to the corporation of  
the county of Middlesex and to all parties or corporations  
authorized by them the right to hold all county and agricul-  
tural fairs, shows and exhibitions free of charge in and upon  
the said lands, and did also by a certain other indenture bearing  
10 date the twenty-first day of June, 1869, grant to the agricul-  
tural society of East Middlesex the right to hold all county  
fairs, shows and exhibitions free of charge in and upon the  
said lands, and did also agree with the said society that the  
Provincial Agricultural Association of Ontario should have the  
15 right to hold any exhibition in and upon the said lands, and  
that in case an annual fair should thereafter be established, the  
same might be held in and upon the said lands whenever the  
said fair might be held; and did also, by certain articles of  
agreement bearing date the twenty-eighth day of September,  
20 1861, agree with the Board of Agriculture for Upper Canada  
to grant to all parties and corporations authorized by the said  
board the right to hold all county and agricultural fairs, shows  
and exhibitions free of charge in and upon the said lands, and  
to grant to the Provincial Agricultural Association of Upper  
25 Canada the right to hold any of their exhibitions in and upon  
the said lands; and in case thereafter there should be estab-  
lished an annual Western Fair, the right to hold such Western  
Fair thereon; that the said lands and the buildings erected  
thereon have become wholly unsuited for the purposes afore-  
30 said; that the said, the corporation of the city of London, at  
an expense of upwards of \$100,000, had provided other suit-  
able lands and buildings for the purposes aforesaid; that all  
of the said corporations, except the corporation of the county  
of Middlesex, have agreed to release their claims to the said  
35 lands, and to accept in lieu thereof certain rights in respect of  
the new exhibition grounds, and have prayed for authority to  
sell and convey the said lands free from the claims of the said  
several corporations and of all other persons having or being  
entitled to any rights, privileges or claims under the provisions  
40 of the said several instruments or any of them; and whereas,  
the municipal council of the corporation of the city of London  
has also presented its petition praying that subsection 2 of  
section 19 of the Act passed in the fiftieth year of Her Majesty's  
reign, intituled *An Act to Incorporate the Western Fair*

*Association*, may be amended by substituting for the words and figures "sixty thousand dollars" therein, the words and figures "seventy thousand dollars;" and whereas, it is expedient to grant the prayers of the said petitions, subject to the conditions hereinafter mentioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to sell  
lands.

1. The said the corporation of the city of London may sell and convey the lands mentioned in the preamble to this Act, which may be better known and described as follows, that is to say:—That portion of the lands known as the Ordnance lands in the said city of London in the Province of Ontario, lying east of Wellington street and north of Great Market street (now Central avenue), containing by admeasurement sixteen acres and thirty-six and three-tenths perches, be the same more or less, and which said land may be more particularly known and described as follows, that is to say:—Being composed of blocks numbers one and three, situate on the north and south sides of Pall Mall street, in the said city of London, as shown on the plan made by Provincial land surveyor, William Robinson, dated the 14th day of July, 1868, and of record in the department of the Secretary of State of Canada, and which are severally butted and bounded as follows, that is to say:—Block number one commencing where a board of ordnance monument has been planted on the north west corner of Waterloo street and Great Market street (now Central avenue); thence north nineteen degrees ten minutes west along the west side of Waterloo street ten chains seven and a half links, more or less, to Pall Mall street; thence south seventy degrees forty-four minutes, west along the south side of Pall Mall street ten chains fifteen links, more or less, to Wellington street; thence south nineteen degrees twenty-four minutes east along the east side of Wellington street ten chains five links, more or less, to Great Market street (now Central avenue); thence north seventy degrees fifty minutes east along the north side of Great Market street (now Central avenue) ten chains nine links, more or less, to the place of beginning, containing ten acres and twenty-eight and nine-tenths perches, more or less; and block number three, commencing at the north-west corner of Waterloo and Pall Mall streets; thence north nineteen degrees ten minutes west along the west side of Waterloo street five chains ninety-four and a half links, more or less, to a board of ordnance monument; thence south seventy degrees forty-four minutes west ten chains nineteen and a half links more or less to Wellington street; thence south nineteen degrees twenty-four minutes east along the east side of Wellington street five chains ninety-four and a half links, more or less, to Pall Mall street; thence north seventy degrees forty-four minutes east along the north side of Pall Mall street ten chains fourteen links, more or less, to the place of beginning, containing six acres and seven and four-tenths perches, more or less, freed and discharged of the claims of each and every of the corporations mentioned in the said preamble, and freed and discharged of all rights, privileges and claims of all other persons whatsoever under the provisions of the instruments mentioned in the said preamble or any of them.



2. The powers conferred by this Act shall not be exercised until the said corporation of the city of London shall have executed and deposited with the Provincial Secretary, a deed, granting to the said, the corporation of the county of Middle-  
 5 sex, the right, for the period of twenty years from the passing of this Act, for the said last named corporation and its successors, and for all parties or corporations, authorized by the said last named corporation, to hold all county and agricultural fairs, shows, and exhibitions, free of charge in and upon the  
 10 grounds known as Salter's Grove, in the said city of London, and the buildings thereon erected.

Conditions to be complied with before exercise of powers hereunder.

3. The certificate of the Provincial Secretary of the deposit with him of said deed, in accordance with the provisions of section 2 of this Act, shall be conclusive evidence that the  
 15 condition imposed by the said section 2 has been complied with by the said, the corporation of the city of London.

Certificate of Provincial Secretary to be conclusive evidence of compliance with conditions.

4. Sub-section 2, of section 19, of *The Act to Incorporate the Western Fair Association* is hereby amended, by substituting the words and figures, "seventy thousand dollars,"  
 20 for the words and figures, "sixty thousand dollars," therein.

50 V. c. 89, s. 19 amended.

BILL.

An Act to authorize the Corporation of the city of London to sell certain lands known as the Exhibition grounds.

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First Reading,	1888.
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(Private Bill.)

Mr. MEREDITH.

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TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting a certain Railway Debenture Debt  
of the Township of Bexley.

**W**HEREAS, the corporation of the township of Bexley Preamble.  
under their by-law passed on the first day of August,  
1868, incurred a debenture debt of \$15,000 in aid of the Toronto  
and Nipissing Railway Company, maturing on the first day of  
5 November, 1888, and by reason of the financial condition of  
the said corporation, only the sum of \$8,000 will be available  
to meet the said debt, leaving a balance or deficiency of \$7,000;  
and whereas, the said corporation by their petition have  
prayed that an Act may be passed to empower them to pass a  
10 by-law to borrow on new debentures of the said corporation  
the said sum of \$7,000, payable with interest thereon in twenty  
years at farthest from the said first day of November, 1888, in  
manner hereinafter provided; and whereas, it is expedient to  
grant the prayer of the said petition;

15 Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. The corporation of the township of Bexley for the purpose  
of paying off and retiring the \$7,000 mentioned in the preamble  
20 to this Act, may pass a by-law authorizing the issue of new  
debentures of the said corporation for the said sum of \$7,000,  
and for the payment of interest thereon, payable in twenty  
years at farthest from the first day of November, 1888, in accor-  
dance with either of the sections 340 and 342 of *The Municipal*  
25 *Act*, provided always that such by-law shall in all respects  
conform to and comply with the provisions of the said Municipal  
Act, and the general municipal law in force in this Province,  
except that it shall not be necessary to obtain the assent of the  
electors of the said township of Bexley to the passing of such  
30 by-law; and provided further that the said new debentures  
and all moneys arising therefrom, shall to the full extent  
thereof, be applied only to paying off the said sum of \$7,000  
and interest required for the above recited purpose.

Issue of debentures for \$7,000 authorized.

Proviso.

No. 33.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act respecting a certain debenture debt  
of the Township of Bexley.

First Reading,                      , 1888.

(Private Bill.)

Mr FELL.

TORONTO:

PRINTED BY WARWICK & SON, 26 AND 28 FRONT ST. W.

An Act respecting a certain Railway Debenture Debt  
of the Township of Bexley.

**W**HEREAS the corporation of the township of Bexley Preamble.  
*have by their petition represented that they have* under  
 their by-law passed on the first day of August, 1868, incurred  
 a debenture debt of \$15,000 in aid of the Toronto and  
 5 Nipissing Railway Company, maturing on the first day of  
 November, 1888, and *that only the sum of \$8,000 will be available*  
 to meet the said debt, leaving a balance or deficiency of \$7,000 ;  
 and whereas the said corporation by their petition have  
 prayed that an Act may be passed to empower them to pass a  
 10 by-law to borrow on new debentures of the said corporation  
 the said sum of \$7,000, payable with interest thereon in twenty  
 years at farthest from the said first day of November, 1888, in  
 manner hereinafter provided ; and whereas it is expedient to  
 grant the prayer of the said petition ;  
 15 Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows :—

1. The corporation of the township of Bexley for the purpose  
 of paying off and retiring the \$7,000 mentioned in the preamble  
 20 to this Act, may pass a by-law authorizing the issue of new  
 debentures of the said corporation for the said sum of \$7,000,  
 and for the payment of interest thereon, payable in twenty  
 years at farthest from the first day of November, 1888, in accordance  
 with either of the sections 340 or 342 of *The Municipal*  
 25 *Act*, provided always that such by-law shall in all respects  
 conform to and comply with the provisions of the said Municipal  
 Act, and the general municipal law in force in this Province,  
 except that it shall not be necessary to obtain the assent of the  
 electors of the said township of Bexley to the passing of such  
 30 by-law ; and provided further that the said new debentures  
 and all moneys arising therefrom, shall to the full extent  
 thereof, be applied only to paying off the said sum of \$7,000  
 and interest required for the above recited purpose, *and for*  
*no other purpose whatsoever.*

Issue of debentures for \$7,000 authorized.

Proviso.

BILL.

An Act respecting a certain debenture debt  
of the Township of Bexley.

*Re-printed as amended by the Railway  
Committee.*

First Reading, 10th February, 1888.

(Private Bill)

Mr. FELL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to empower the Executors of James Farnen  
to sell certain lands.

**W**HEREAS, Michael O'Brien and Patrick Fogarty, both of Preamble.  
the City of Toronto, in the County of York, executors  
of the last will and testament of James Farnen, late of the  
City of Toronto aforesaid, gardener, deceased, have, by their  
5 petition, represented that the said James Farnen died on the  
12th day of November, A.D. 1886, having first made his last  
will and testament, bearing date the 9th day of November,  
A.D. 1886, which is in the words and figures following, that  
is to say :—

10 "TORONTO, November 9th, 1886.

"The last will and testament of James Farnen, of Pape  
Avenue, east side, immediately north of G. T. R. crossing :

"I, being of sound mind, do hereby give and bequeath to my  
eldest son, Frederick, the sum of seven hundred dollars ; to  
15 my daughter, Mary, the sum of three hundred dollars ; and,  
after the payment of all my just debts, the balance of my real  
estate shall be equally divided between my daughter Margaret,  
my son James, my daughter Catherine Ann, and my son  
20 Michael John, to be held in trust by my executors until my son  
Michael John shall become of age ; and I further devise that  
the sum of ten dollars shall be set apart for the purpose of  
having masses recited for the repose of my soul, and a tomb-  
stone erected over my grave not to exceed in price the sum of  
25 ten dollars. And I hereby give and bequeath my personal  
property—that is to say, my horse, waggon, and other farming  
implements—to my son James, and my household furniture to  
my daughter Catherine Ann to dispose of as she may think  
proper. And I do hereby declare this to be my last will and  
testament ; and I also hereby appoint Patrick Fogarty, of Pape  
30 Avenue, Toronto, Michael O'Brien, Senior, Lewis Street,  
Toronto, my executors. To all of which I have set my hand  
this ninth day of November in the year of our Lord one  
thousand eight hundred and eighty-six.

his

35 "Witness { (sd.) GEO. M. VINCENT, (sd.) JAMES X FARNEN."  
{ (sd.) JOSEPH FOGARTY." mark.

And that the petitioners have duly accepted the trusts under  
the said will, and probate thereof has been granted to them by  
the proper Court in that behalf ; that the said testator left him  
40 surviving Mary Jane Miller, wife of James Miller, Frederick  
Thomas Farnen, Catherine Ann Farnen, James Farnen, Mar-  
garet Ellen Farnen, and Michael John Farnen, his lawful  
children ; that at the time of the death of the said James  
Farnen he was seised in fee simple of the following lands and  
45 premises, that is to say :—All and singular that certain parcel

or tract of land and premises situate, lying, and being in the said City of Toronto (formerly in the Township of York), in the County of York and Province of Ontario, containing by admeasurement ten acres, be the same more or less, being composed of part of lot number twelve in the first concession from the Bay in the Township of York, now in the City of Toronto, being the northerly half of block letter "K" and the southerly half of block letter "I," according to a plan of said lots made by John Grossman, D. P. S., and described also as parts of Blocks "I" and "J," on the east side of Pape's Avenue in Toronto, according to registered plan number ninety-six; that it was expedient and necessary to sell the said lands, and for that purpose an application was made to the Chancery Division of the High Court of Justice for an order directing the said lands to be sold, which said order was obtained; that upon investigation of the title to the said lands it was discovered that one Eliza Matthewson Taylor, wife of one C. C. Taylor, of the City of Toronto aforesaid, Customs clerk, was apparently entitled to claim an inchoate right to dower therein; that the said Eliza Matthewson Taylor does claim the said right, and refuses to sell and release the same; that in consequence thereof the petitioners are unable to sell the said lands, although there is an absolute necessity for the same to be sold as appears by the said petition; and that there is no provision either in the Statute Law of this Province or the practice of the Courts enabling the petitioners to have the alleged inchoate right to dower claimed by the said Eliza Matthewson Taylor duly ascertained, determined, and estimated, and empowering the petitioners to sell the said lands freed, cleared, and discharged from the said alleged inchoate right to dower, allowing the said Eliza Matthewson Taylor a gross sum in lieu thereof if entitled thereto; and whereas, the petitioners have, by their said petition, prayed for the passing of an Act to empower and enable them to sell the said lands freed, cleared, and discharged of and from the said alleged inchoate right to dower; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

E. M. Taylor  
may be cited  
before Court.

1. The said executors and trustees, or the executors and trustees for the time being, of the said will shall and they are hereby enabled, empowered, authorized, and directed to cite the said Eliza Matthewson Taylor and notify her to attend before the Chancery Division of the High Court of Justice, or one of the Judges thereof, or James S. Cartwright, Esquire, Registrar of the Queen's Bench Division of the High Court of Justice, for the purpose of having it ascertained and determined whether or not she is entitled to claim an inchoate right to dower in the said lands, or any other right, title, interest, and estate therein and thereto; and, in the event of her being found entitled to an inchoate right to dower, or any other right, title, interest, or estate in the said lands, then to have the value of the same estimated and determined; and it shall and may be lawful for the Chancery Division of the High Court of Justice, or one of the Judges thereof, or the said James S. Cartwright, to take all necessary proceedings to determine the matters aforesaid.



2. The said Michael O'Brien and Patrick Fogarty, the executors and trustees of the last will and testament of the said James Farnen, or the executors and trustees for the time being of the said last will and testament, shall be and they are  
 5 hereby empowered, enabled, and authorized to sell and convey the said lands freed, cleared, and discharged from the inchoate right to dower, and the estate, right, title, and interest therein and thereto claimed by the said Eliza Matthewson Taylor.

Power to sell  
 lands free from  
 claim of E. M.  
 Taylor.

3. The said executors and trustees shall, out of the proceeds  
 10 of the sale of the said lands, pay to the said Eliza Matthewson Taylor the amount (if any) ascertained, as aforesaid, as the value of her alleged inchoate right to dower in the said lands, or any other estate, right, title, and interest therein and thereto.

Payment to E.  
 M. Taylor, if  
 entitled.



## The Homestead Exemption Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The lot of land and buildings thereon occupied as a residence, and owned by the debtor, or any buildings owned by the debtor on land not his own, but of which he shall be in lawful possession, by law or otherwise, (he being a householder and having a family), to the value of \$1,000, shall be exempt from sale or levy under execution, and no release or waiver of such exemption shall be valid in law unless by deed registered in the registry division wherein the lands lie.

Exemption of homestead to value of \$1,000.

2. The exemption shall continue after the death of the owner for the benefit of the widow (during widowhood), and of the family of the said owner until the youngest surviving child attains the age of twenty-one years, and until the death of the widow, provided that the widow or some member of the family continues to occupy the homestead.

Continuation of exemption.

3. No property shall be exempt unless in the deed of conveyance thereof it shall be stated that the same is intended to be held as a homestead under this Act, or if the property has been already acquired the said intention shall be declared by an instrument duly signed and sealed and made by the person entitled to the exemption, and the said instrument shall be registered in the same manner as a deed in the registry division in which the land lies.

Exemption to be set forth in conveyance or other instrument.

4. No property shall by virtue of this Act be exempt from sale for taxes, or for a debt contracted for the purchase thereof, or for the erection of buildings thereon, or for any debt contracted before a deed or instrument shall have been registered as required by the preceding section, nor shall buildings erected on land not owned by the debtor be exempted from levy and seizure for the ground rent of the land whereon the buildings are situated.

Exemption not to affect taxes, etc.

5. The exemption given by this Act shall not extend to any mortgage lawfully obtained, but no mortgage or conveyance of property exempted as aforesaid, made by the husband shall be valid unless the wife joins in such conveyance.

Conveyance or mortgage invalid unless wife joins therein.

6.—(1) Where a creditor requires an execution to be levied on property claimed by the debtor as a homestead, and the sheriff or other officer holding the execution is of opinion that

Appraisal of property in case of execution.

the property is of greater value than \$1,000, the sheriff or other officer shall appoint two disinterested persons to appraise the premises in manner hereinafter provided.

Division of property.

(2) If in the judgment of the appraisers the premises are of greater value than \$1,000 and can be divided without injury to the debtor they shall set off to the debtor so much of the premises including the dwelling house as shall, in their opinion, represent the value of \$1,000, and the residue of the property shall be dealt with as other real estate not exempt from levy under execution. 5  
10

Valuation by appraisers if property cannot be divided.

7. If in the judgment of the appraisers the property cannot conveniently be divided, they shall make and deliver to the sheriff or officer a valuation of the premises, and the sheriff or officer shall deliver a copy thereof to the judgment debtor or other lawful occupant of the homestead. 15

Payment by debtor of excess over \$1000.

8.—(1) The debtor, or other lawful occupant of the said homestead, shall be entitled on payment of the excess of the value of the said premises above the sum of \$1,000 to continue to hold the said homestead as provided by this Act, but in case the judgment debtor does not make such payment within sixty days, then the judgment creditor may require the premises to be sold by the sheriff or officer at public sale as in other cases of execution against lands, and out of the proceeds of the said sale the sheriff shall pay to the execution debtor the sum of \$1,000, which shall be exempt from seizure for one year thereafter, and shall apply the balance only to such execution. 20  
25

Appointment of appraisers.

(2) Unless a greater sum than \$1,000 is bid for the said premises the same shall not be sold, and the execution may be returned unsatisfied for want of property to satisfy the same 30

9. The appraisers mentioned in this Act shall be appointed by the sheriff or officer to whom the process or writ of execution is directed, and shall be sworn well and truly to appraise the premises. The appraisement shall be signed by the appraisers, and shall be delivered by them to the sheriff or officer. 35

Exemption of insurance money.

10. When a building is insured, and the insurance money is payable to the person entitled to the exemption, such insurance money shall be exempt from seizure for one year thereafter. 40

Limit of exemption.

11. No person shall be entitled to hold as exempt under this Act property exceeding the value of \$1,000 in all.



No. 35.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

The Homestead Exemption Act.

First Reading, 28th February, 1888.

MR. BALFOUR.

TORONTO:

PRINTED BY WARRIOR & SONS, 26 AND 28 FRONT ST. W.

## An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 630 of *The Municipal Act* is hereby repealed and the following substituted therefor:—

Section 630 of R. S. O., c. 184, repealed.

630.—(1) In addition to the powers conferred upon the councils of townships, towns and incorporated villages by sections 612 to 628 both inclusive, of this Act, the council of any such township, town or village, under and subject to the provisions of the said sections, may pass by-laws providing for lighting, or for the construction of waterworks for the purpose of fire protection, or for such other purposes as are provided for by *The Municipal Waterworks Act*, or for developing motive power by water or otherwise, or for either or all of the said purposes.

Lighting and waterworks.

(2). The said council may by the same or any subsequent by-law define by metes and bounds, or otherwise, what real property will be immediately benefited by the proposed improvement, and is to be charged with the cost of such improvements or part thereof, and may also by such by-law make provision for assessing and levying on the property so defined the costs of managing and maintaining the said works; provided that the said council may by such by-law make provision for assessing and levying the costs of managing and maintaining the said works, or any portion of such cost, upon the real property so defined, or upon the land alone which may be immediately benefited by said works, exclusive of any buildings or other fixtures erected or in the course of erection thereon.

Mode of assessing and levying cost of construction and maintenance.

(3) The said council may contract for any term not exceeding thirty years, with any individual or company, for the construction and maintenance by him or them of such works, and may pay over to such individual or company the rates collected under the last preceding sub-section; but no such contract shall be valid or binding until it shall have been confirmed by a by-law which has received, in the manner provided for in this Act, the assent of a majority of the rate-payers to be assessed for the construction and maintenance of such works, or any part thereof.

Council may contract with individual or company for construction and maintenance of works.

(4) Sub-section 3 of section 612 of this Act shall apply to any works constructed under the powers by this section conferred.

No. 36.

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2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL.

An Act to amend the Municipal Act.

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First Reading, 28th February, 1888.

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MR CONNIE.

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TORONTO:

PRINTED BY WARWICK & SONS, 25 AND 28 FRONT ST. W.



## An Act to Incorporate the Town of Stayner.

**W**HEREAS, the village of Stayner, in the county of <sup>Preamble</sup>  
 Simcoe, is and has been for a number of years an  
 important grain market in said county, and is increasing  
 rapidly in population; and whereas, the present corporation  
 5 limits of the said village intersect lots in such a manner as to  
 cause great confusion in assessing the same: and whereas, the  
 council of the said village have by their petition represented  
 that the incorporation of the said village as a town, and the  
 extension of the limits, so as to include certain portions of the  
 10 surrounding township of Nottawasaga, would be of very great  
 benefit to said village, insure its future prosperity, and enable  
 its inhabitants to make suitable regulations for the defining of  
 fire limits, and the protection and improvement of property  
 generally; and whereas, it is expedient to grant the prayer of  
 15 the said petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

1. On and after the passing of this Act the said village of <sup>Town incor-</sup>  
 20 Stayner shall be and is hereby constituted a corporation or  
 body politic, under the name of "The Corporation of the  
 Town of Stayner," and shall enjoy and have all the rights,  
 powers and privileges which could have been exercised and  
 enjoyed by the said town of Stayner if the same had been  
 25 incorporated as a town under the provisions of *The Municipal*  
*Act*, except where otherwise provided by this Act.

2. The said town of Stayner shall comprise and consist of <sup>Limits of</sup>  
 the present village of Stayner, and in addition thereto the <sup>town.</sup>  
 30 following portions of the township of Nottawasaga, in the  
 said county, that is to say, lots numbers twenty-three and  
 twenty-five in the first concession, and lot number twenty-six  
 in the second concession of the said township of Nottawasaga;  
 all those portions of lots numbers twenty-four in the first  
 35 concession, twenty-three and twenty-five in the second con-  
 cession, and twenty-three, twenty-four and twenty-five in the  
 third concession of said township of Nottawasaga, not now  
 included within the limits of the present village of Stayner.

3. The said town shall be divided into three wards, to be <sup>Wards.</sup>  
 called respectively the North, East and West Wards, which  
 40 said wards shall be respectively composed and bounded as  
 follows:—

1. The North ward shall be composed of that portion of the  
 town of Stayner as constituted by this Act lying north of

Main street, formerly Bownmore road, and west of a line forming the western boundary of Louisa street, produced in a straight line to the northern limits of the said town of Stayner.

2. The West ward shall be composed of that portion of the town of Stayner lying south of Main street and west of the western limit of the Northern Railway allowance. 5

3. The East ward shall consist of the remaining portion of the said town of Stayner, being all that portion thereof lying east of the western limit of the Northern Railway allowance, saving and excepting that portion included in the said north 10 ward.

Municipal laws to apply.

4. Except as otherwise provided by this Act, the provisions of the Revised Statutes of Ontario 1887, respecting municipal institutions with regard to matters consequent upon the formation of new corporations, and the other provisions of the said 10 statutes applicable to the erection of a village into a town under the said statutes, and to the town so erected, shall apply to the said town of Stayner in the same manner as they would have been applicable had the said village of Stayner been erected into a town under the provisions of the said statutes. 15

Nomination for first election of mayor and councillors.

5. On the last Monday in December of the present year, 1888, it shall be lawful for George Lestock Darby, or the village clerk for the time being, who is hereby appointed returning officer, to hold the nomination for the first election of mayor, reeve and councillors, at Stewart's Hall, in the said 20 town of Stayner, at the hour of noon, of which due notice shall be given in the same manner as the same would be given if the said town of Stayner had been incorporated under the provisions of *The Municipal Act*; and he shall preside at the said nomination, or in case of his absence, the electors present 25 shall choose from among themselves a chairman to preside at the said nomination; and such chairman shall have all the powers of a returning officer. And the polling for the said election, if necessary, shall be held on the same day of the week in the week next following the said nomination, and the 30 returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling shall take place.

Deputy returning officers.

6. The said returning officer shall by his warrant appoint a deputy returning officer for each of two of the wards into 35 which the town is divided; and such returning officer and each of such deputy returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers at 40 elections in towns, so far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns.

Clerk of township of Nottawasaga to furnish copy of assessment roll.

7. The clerk of the said township of Nottawasaga shall, 45 upon demand made upon him by the said returning officer, at once furnish such returning officer with a certified copy of so much of the revised assessment roll for the said township for the year of our Lord one thousand eight hundred and eighty-

eight as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

8. The council of the said town, to be elected in manner aforesaid, shall consist of a mayor, who shall be head thereof, a reeve and six councillors, two councillors being elected for each ward; and they shall be organized as a council on the third Monday in January, in the year one thousand eight hundred and eighty-nine; and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario: and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

9. The several persons who shall be elected or appointed under this Act shall take declarations of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

10. At the first election of mayor, reeve and councillors for the said town of Stayner, the qualification of electors and that of officers required to qualify shall be the same as that required in villages by the municipal laws of Ontario.

11. The expenses incurred in obtaining this Act and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town of Stayner, or otherwise, shall be borne by the said town, and paid by it to any party entitled thereto.

12. All by-laws and municipal regulations which are in force in the village of Stayner shall continue and be in force as if they had been passed by the corporation of the town of Stayner, and shall extend to and have full effect within the limits of the town hereby incorporated.

13. The property, assets, debts, liabilities and obligations of the village of Stayner shall belong to and be assumed and paid by the corporation of the town of Stayner.

14. All officers of the said village of Stayner shall continue to act and have power as such, and as officers of and within the town of Stayner until the council of the said town shall have organized as and in the manner provided by section 8 of this Act.

15. The revised assessment roll of the township of Nottawasaga for the year 1888 shall be taken as the basis upon which the property taken from said township into the town of Stayner is to be valued for the purpose of settling the share

Council.

Oaths of office and qualification.

Qualification at first election.

Expenses of Act.

By-laws continued.

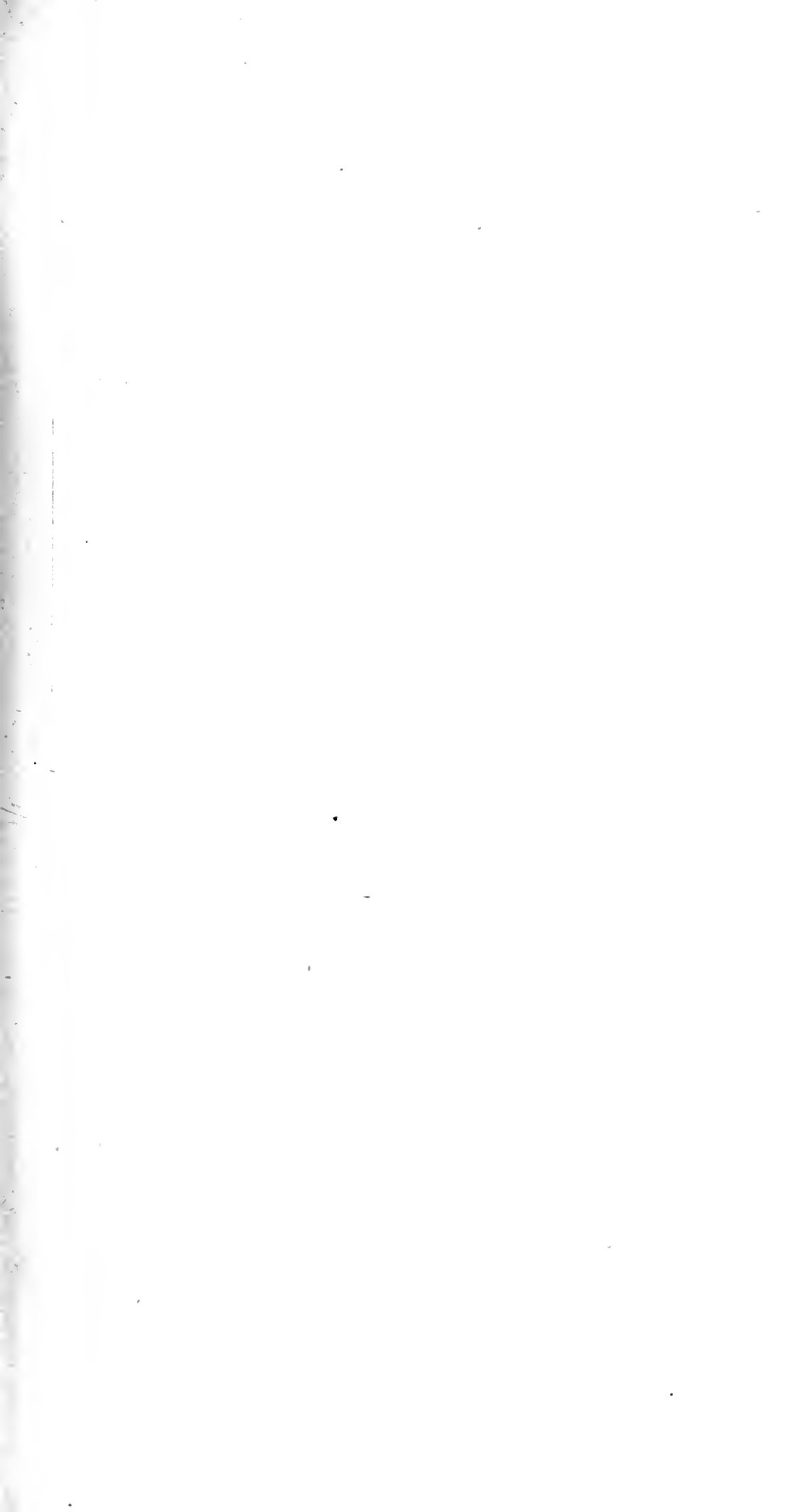
Town to assume property and liabilities of village.

Officers of village continued.

Assessment roll of 1888 to be adopted as basis for settling share of railway

Not payable of indebtedness by the said town to the said township under  
to the town- the railway bonus by-laws of the said township, or of any  
ship of Notta- group of townships of which the said township of Nottawasaga  
wasaga. is one.

Parts of **16** It is hereby expressly provided that the portions of **5**  
school sections school sections numbers eleven and twenty-three of the said  
11 and 23 township of Nottawasaga comprised within the municipal  
within limits township of Nottawasaga shall, nevertheless, remain  
of town to limits of the said town of Stayner shall, nevertheless, remain  
remain part of the said township of Nottawasaga, and subject to  
attached to its municipal government for all school purposes, notwith- **10**  
township. standing any provision of law to the contrary, until otherwise  
agreed upon between the respective municipalities of Stayner  
and Nottawasaga.



BILL.

An Act to Incorporate the Town of  
Stayner.

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First Reading, 1888.

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(Private Bill.)

Mr. WYLLIE.

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TORONTO:



PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to Incorporate the Town of Stayner.

**W**HEREAS the village of Stayner, in the county of <sup>Preamble.</sup> Simcoe, is and has been for a number of years an important grain market in said county, and is increasing rapidly in population; and whereas the present corporation  
 5 limits of the said village intersect lots in such a manner as to cause great confusion in assessing the same: and whereas the council of the said village have by their petition represented that the incorporation of the said village as a town, and the extension of the limits, so as to include certain portions of the  
 10 surrounding township of Nottawasaga, would be of very great benefit to said village, insure its future prosperity, and enable its inhabitants to make suitable regulations for the defining of fire limits, and the protection and improvement of property generally; and whereas it is expedient to grant the prayer of  
 15 the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act the said village of <sup>Town incor-</sup> Stayner shall be and is hereby constituted a corporation or <sup>porated.</sup> body politic, under the name of "The Corporation of the Town of Stayner," and shall enjoy and have all the rights, powers and privileges which could have been exercised and enjoyed by the said town of Stayner if the same had been  
 20 incorporated as a town under the provisions of *The Municipal Act*, except where otherwise provided by this Act.

2. The said town of Stayner shall comprise and consist of <sup>Limits of</sup> the present village of Stayner, and in addition thereto <sup>town.</sup> the following portions of the township of Nottawasaga, in the  
 30 said county, that is to say, lot number twenty-three in the first concession,  and all that portion of lot twenty-three in the second concession lying north of Margaret Street;  all those portions of lots numbers twenty-four in the first concession, and twenty-five in the second concession, and twenty-three,  
 35 twenty-four and twenty-five in the third concession of said township of Nottawasaga, not now included within the limits of the present village of Stayner.

3. The said town shall be divided into three wards, to be <sup>Wards.</sup> called respectively the North, East and West Wards, which  
 40 said wards shall be respectively composed and bounded as follows:—

1. The North ward shall be composed of that portion of the town of Stayner as constituted by this Act lying north of Main street, formerly Bowmore road, and west of a line form-  
 45 ing the western boundary of Louisa street, produced in a straight line to the northern limits of the said town of Stayner.

2. The West ward shall be composed of that portion of the town of Stayner lying south of Main street and west of the western limit of the Northern Railway allowance.

3. The East ward shall consist of the remaining portion of the said town of Stayner, being all that portion thereof lying east of the western limit of the Northern Railway allowance, saving and excepting that portion included in the said north ward. 5

Municipal laws to apply.

4. Except as otherwise provided by this Act, the provisions of the Revised Statutes of Ontario 1887, respecting municipal institutions with regard to matters consequent upon the formation of new corporations, and the other provisions of the said statutes applicable to the erection of a village into a town under the said statutes, and to the town so erected, shall apply to the said town of Stayner in the same manner as they would have been applicable had the said village of Stayner been erected into a town under the provisions of the said statutes. 15

Nomination for first election of mayor and councillors.

5. On the last Monday in December of the present year, 1888, it shall be lawful for George Lestock Darby, or the village clerk for the time being, who is hereby appointed returning officer, to hold the nomination for the first election of mayor, reeve and councillors, at Stewart's Hall, in the said town of Stayner, at the hour of noon, of which due notice shall be given in the same manner as the same would be given if the said town of Stayner had been incorporated under the provisions of *The Municipal Act*; and he shall preside at the said nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to preside at the said nomination; and such chairman shall have all the powers of a returning officer. And the polling for the said election, if necessary, shall be held on the same day of the week in the week next following the said nomination, and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling shall take place. 20 25 30 35

Deputy returning officers.

6. The said returning officer shall by his warrant appoint a deputy returning officer for each of the wards into which the town is divided; and such returning officer and each of such deputy returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers at elections in towns, so far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns. 40 45

Clerk of township of Nottawasaga to furnish copy of assessment roll.

7. The clerk of the said township of Nottawasaga shall, upon demand made upon him by the said returning officer, at once furnish such returning officer with a certified copy of so much of the revised assessment roll for the said township for the year of our Lord one thousand eight hundred and eighty-eight as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, and the said returning officer shall furnish each of 50



the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

5 **8.** The council of the said town, to be elected in manner Council.  
 aforesaid, shall consist of a mayor, who shall be head thereof,  
 a reeve and six councillors, two councillors being elected for  
 each ward; and they shall be organized as a council on the  
 third Monday in January, in the year 1889; and subsequent  
 10 elections shall be held in the same manner as in towns incor-  
 porated under the provisions of the municipal laws of On-  
 tario: and the said council and their successors in office shall  
 have, use, exercise and enjoy all the powers and privileges  
 vested by the said municipal laws in town councils, and shall  
 15 be subject to all the liabilities and duties imposed by the said  
 municipal laws on such councils.

**9.** The several persons who shall be elected or appointed Oaths of office  
 under this Act shall take declarations of office and qualification and qualifica-  
 now required by the municipal laws of Ontario to be taken tion.  
 20 by persons elected or appointed to like offices in towns.

**10.** At the first election of mayor, reeve and councillors for Qualification  
 the said town of Stayner, the qualification of electors and that at first elec-  
 of officers required to qualify shall be the same as that required tion.  
 in villages by the municipal laws of Ontario.

25 **11.** The expenses incurred in obtaining this Act and of Expenses of  
 furnishing any documents, copies of papers, writings, deeds, Act.  
 or any matters whatsoever required by the clerk or other  
 officer of the said town of Stayner, or otherwise, shall be  
 borne by the said town, and paid by it to any party entitled  
 30 thereto.

**12.** All by-laws and municipal regulations which are in By-laws  
 force in the village of Stayner shall continue and be in force continued.  
 as if they had been passed by the corporation of the town of  
 Stayner, and shall extend to and have full effect within the  
 35 limits of the town hereby incorporated.

**13.** The property, assets, debts, liabilities and obligations of Town to  
 the village of Stayner shall belong to and be assumed and paid assume  
 by the corporation of the town of Stayner. property and  
 liabilities of  
 village.

40 **14.** All officers of the said village of Stayner shall continue Officers of  
 to act and have power as such, and as officers of and within village con-  
 the town of Stayner until the council of the said town shall tinued.  
 have organized as and in the manner provided by section  
 8 of this Act.

45 **15.** The revised assessment roll of the township of Notta- Assessment  
 wasaga for the year 1888 shall be taken as the basis upon roll of 1888 to  
 which the property taken from said township into the town of be adopted as  
 Stayner is to be valued for the purpose of settling the share basis for  
 of indebtedness by the said town to the said township under settling share  
 the railway bonus by-laws of the said township, or of any debt payable  
 50 group of townships of which the said township of Nottawa- to the town-  
 wasaga is one. ship of Notta-  
 wasaga.

BILL

An Act to Incorporate the Town of  
Stayner.

*Reprinted as amended by Private Bills  
Committee.*

First Reading, 8th February, 1888.

(Private Bill.)

Mr. WYLLIE.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to extend the limits of the City of Ottawa and to re-arrange the Wards thereof.

**W**HEREAS, the corporation of the city of Ottawa by its <sup>Preamble.</sup> petition has represented that it is expedient to add to the present limits of the city of Ottawa the localities adjacent thereto hereinafter mentioned, and that it is desirable to extend the limits of the city of Ottawa by annexing the said territory thereto, and to re-arrange the wards thereof; and, whereas, it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All those portions of the Townships of Gloucester and Nepean in the County of Carleton comprised within the following limits, that is to say:—Commencing on the road allowance between concession A and the first concession of the township of Nepean, Ottawa Front (being Maria street, produced), where the present city limits end; thence along the southerly boundary of said road allowance to its intersection with the road known as the old road to the little Chaudiere; thence south-easterly along the centre line of said old road to the Richmond road; thence across the Richmond road to Fourth avenue and Bayswater; thence along the westerly boundary of Fourth avenue to Cedar street; thence along Cedar street to its intersection with the westerly limit of the St. Lawrence and Ottawa branch of the Canadian Pacific Railway; thence along the westerly limit of the Canadian Pacific Railway to the Rideau canal; thence along the centre of the Rideau canal to the present boundary line, being the dividing line between lots E and F, in concession D, of the township of Nepean; thence along said dividing line to the Rideau river; thence along the centre line of the Rideau river to St. Patrick's street bridge; thence easterly along Beechwood avenue to Butternut terrace; thence along Butternut terrace to Acacia avenue; thence along Acacia avenue to Buena Vista road; thence along Buena Vista road in a westerly direction to Lisgar road; thence along Lisgar road to the Ottawa river at the ferry landing; thence westerly along the banks of the Ottawa river to the present boundary of the city of Ottawa, are hereby annexed to, and shall be henceforth included within the limits of the City of Ottawa (which limits are hereby extended so as to include the same), subject to the same provisions of law as if such addition had been made under the Act respecting municipal institutions in the Province of Ontario and amendments thereto, except in so far as the same are inconsistent with the provisions of this Act.

Territory  
added to City  
of Ottawa.

**Wards.**

2. The said city of Ottawa, together with the said additional territory, is hereby divided into eight wards in manner described in the schedule to this Act.

**Liability of added territory not affected.**

3. Nothing in this Act contained shall exempt any part of the lands so detached and added as aforesaid from liability for the debts and obligations contracted before the passing of this Act, by the county, township or other municipality of which said lands formed part. 5

**Adjustment of debts and liabilities.**

4. The said debts and liabilities shall be adjusted between the different municipalities interested therein in manner and form as is provided in such cases in *The Municipal Act* and amendments thereto. 10

**Construction of drains by local assessment.**

5. It shall be lawful for the council of the corporation of the city of Ottawa, on the report of the health officer, and the board of health, recommending the construction of a sewer or the draining of any locality for sanitary or drainage purposes, adopted by the council to cause the said work to be done, and to raise by way of loan an amount of money sufficient to pay the cost of such improvement or work, by the issue of debentures secured by a special rate on the property benefited, according to the frontage thereof, and to assess and levy such special rate upon the real property fronting or abutting upon the street or place whereon or wherein such improvement or work is proposed to be done or made. 15 20

**Assent of electors to by-laws for drainage assessment not required.**

6. The by-law or by-laws of the said corporation passed for the purpose of raising by way of loan the cost of any such improvement or work shall not require to be submitted to or to have the assent of the electors of the said city of Ottawa before the final passing thereof; nor shall it be necessary that any of the provisions of *The Municipal Act* and amendments thereto, relating to by-laws for creating debts, be complied with. 25 30

**SCHEDULE.****VICTORIA WARD.**

Victoria ward shall include all that portion of the city of Ottawa, with the territory hereinbefore annexed thereto, and bounded on the east by the Rideau Canal, on the south by Sparkes street, Wellington street and the Richmond Road, on the north by the Ottawa River, and on the west by the westerly boundary of the city of Ottawa, as extended by this Act.

**DALHOUSIE WARD.**

Dalhousie ward shall include all that portion of the city of Ottawa, with the territory hereinbefore annexed thereto, and bounded on the east by Concession street, on the north by Wellington street, and the Richmond Road, on the west by the western boundary of the city of Ottawa as extended by this Act, and on the south by the southern boundary of the city of Ottawa as extended by this Act.

## WELLINGTON WARD.

Wellington ward shall include all that portion of the city of Ottawa, with the territory annexed thereto, and bounded on the east by Bank street, on the north by Sparks street, and the west by Concession street, and on the south by the southern boundary of the city of Ottawa as extended by this Act.

## ST. GEORGE'S WARD.

St. George's ward shall include all that portion of the city of Ottawa comprised within the present boundaries of St. George's ward, in the said city of Ottawa.

## BY WARD.

By ward shall include all that portion of the city of Ottawa comprised within the present boundaries of By ward in the said city of Ottawa.

## OTTAWA WARD.

Ottawa ward shall include all that portion of the city of Ottawa comprised within the present boundaries of Ottawa ward, in the said city of Ottawa.

## RIDEAU WARD.

Rideau ward shall include all that portion of the city of Ottawa with the territory hereinbefore annexed thereto, lying east of the Rideau River.

No. 38.

2nd Session, 6th Legislature, 51 Vic., 1888.

**BILL.**

An Act to extend the limits of the City of  
Ottawa, and to re-arrange the wards  
thereof.

First Reading, 1888.

(Private Bill.)


Mr BRONSON

An Act to extend the limits of the City of Ottawa and to re-arrange the Wards thereof and for other purposes.

WHEREAS the corporation of the city of Ottawa by its Preamble.  
petition has represented that it is expedient to add to the present limits of the city of Ottawa the localities adjacent thereto hereinafter mentioned *and described*, and that it is  
5 desirable to extend the limits of the city of Ottawa by annexing the said territory thereto, and to re-arrange the wards thereof ;  
and, whereas, it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent  
10 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** All that portion of the township of Nepean, in the Territory  
county of Carleton, comprised within the following limits, added to City  
that is to say :—Commencing at the centre of the channel of of Ottawa.  
15 the Ottawa River, at the north-west angle of the present boundary of the city of Ottawa, thence westerly and following the centre of the said channel of the Ottawa River against the stream to a point where the side line between lots 36 and 37 in  
20 concession "A," township of Nepean Ottawa Front produced, would intersect the centre of the said channel, thence south-easterly along the line of the said line produced to the old road to the Little Chaudiere, thence south-easterly along the centre line of the said old road to the Richmond road, thence  
25 across the Richmond road to Fourth avenue, Bayswater, thence along the westerly boundary of Fourth avenue to Cedar street, thence easterly along Cedar street to its intersection with the  
30 westerly limit of the St. Lawrence and Ottawa branch of the Canadian Pacific Railway, thence along the westerly limit of the Canadian Pacific Railway to the Rideau canal, thence  
35 westerly along the Rideau Canal to the present southerly boundary of the city of Ottawa, being the dividing line between lots E and F, in concession D, of the township of Nepean, thence westerly along the present southerly boundary  
40 of the city of Ottawa to the south-west angle of the present boundary of the city of Ottawa, thence in a northerly direction along the present westerly boundary of the city of Ottawa to Maria Street produced, thence westerly and northerly along the present boundary of the city of Ottawa to the place of beginning. And all that portion of the township of Gloucester,  
45 in the county of Carleton, comprised within the following limits, that is to say :—Commencing at the easterly boundary of the city of Ottawa where Ottawa Street meets the Rideau River, thence across the Rideau River to Beachwood Avenue, thence easterly along the centre of Beechwood Avenue to

Butternut Terrace, thence along the centre of Butternut Terrace to Maple Lane, thence westerly along the centre of Maple Lane to Princess Terrace, thence in a southerly direction along the easterly boundary of that part of the city of Ottawa known as New Edinburgh Ward to the Rideau River, thence in an easterly direction along the water's edge of the Rideau River to the present site of the St. Patrick's Street Bridge, including that part of the Rideau River between the site of St. Patrick's Street Bridge and the Ottawa River, and all the islands situated in the said portion of the Rideau River. Also, that portion of the Ottawa River lying between the main shore and the following boundaries, that is to say: Commencing at that point where Ottawa Street in New Edinburgh Ward produced meets the Ottawa River; thence westerly in a direct line to the centre of the channel of the Ottawa River, thence southerly following the centre of the channel of the Ottawa River against the stream to the present boundary of the city of Ottawa, are hereby annexed to, and shall henceforth be included within the limits of the city of Ottawa (which limits are hereby extended so as to include the said territory) subject to the same provisions of law as if such addition had been made under *The Municipal Act* and amendments thereto, except in so far as the same are inconsistent with the provisions of this Act. 


Wards.

**2.** The said city of Ottawa, together with the said additional territory, is hereby divided into eight wards in manner described in the schedule to this Act.


Adjustment of debts and liabilities. Rev. Stat. c. 184.

**3.** The debts and liabilities of the municipalities interested shall be adjusted between the said different municipalities in manner and form as is provided in such cases in *The Municipal Act* and amendments thereto.

Commencement of ss. 1-4.

**4.** The preceding sections of this Act shall not come into operation until the first day of January, 1889. 

Assessment of vacant lands in added territory. Rev. Stat. c. 193.

**5.** Notwithstanding anything contained in *The Assessment Act*, in assessing the vacant ground, or ground used as a farm, garden or nursery, and not in immediate demand for building purposes, in the territory added to the present limits of the city of Ottawa by this Act, the value of such vacant or other ground shall be that at which sales of it can be freely made, and where no sales can be reasonably expected during the current year, the assessors shall value such land as though it was held for farming or gardening purposes, with such percentage added thereto as the situation of the land reasonably calls for; and such vacant land, though surveyed into building lots, if unsold as such, may be entered on the assessment roll as so many acres of the original block or lot, describing the same by the description of the block or by the number of the lot and concession of the township in which the same may have been situated, as the case may be, and so long as the said land is so assessed it shall not be liable for payment of water rates unless the water is actually supplied to the owner or occupant of such land. 

Time of making assessment in added territory.

**6.** The assessment of the said territory hereinbefore annexed to the limits of the city of Ottawa for the imposition of rates



and taxes for the year 1889, may be made at the same time during the present year, that the assessment of the city of Ottawa is being made for the year 1889.

- 5 **7.** The election of aldermen and school trustees for the wards mentioned in the schedule to this Act, may be held in the month of December, 1888, in accordance with the provisions of *The Municipal Act*, and the Acts of this Legislature relating to the election of school trustees.
- Election of aldermen and school trustees.  
Rev. Stat. c. 184.
- 10 **8.** It shall be lawful for the council of the corporation of the city of Ottawa, on the report of the health officer and the board of health, recommending the construction of a sewer or the draining of any locality for sanitary or drainage purposes, adopted by the council, to cause the said work to be
- 15 done, and to raise by way of loan an amount of money sufficient to pay the cost of such improvement or work by the issue of debentures, secured by special rate on the property benefited according to the frontage thereof, and to assess and
- 20 abutting on the street or place whereon or wherein such improvement or work is proposed to be done or made: ~~be~~ provided, however, that the provisions of this section shall apply to subsidiary or branch sewers and not to any main or trunk sewer.
- 25 **9.** The by-law or by-laws of the said corporation passed for the purpose of raising by way of loan the cost of any such improvement or work shall not require to be submitted to or to have the assent of the electors of the said city of
- 30 Ottawa before the final passing thereof, nor shall it be necessary that any of the provisions of *The Municipal Act*, and amendments thereto relating to by-laws for creating debts, be complied with.
- Assent of electors to by-laws for drainage assessment not required.
- 35 **10.** And whereas, it has been represented by petition that the corporation of the city of Ottawa has incurred liabilities, which are now maturing, to the amount of \$139,975, including the amount of certain mortgages on city property; and whereas it will require a further sum of \$85,000 to pay for the construction of certain public works rendered necessary by the rapid growth of the city and the extension of its limits, it is
- 40 therefore hereby enacted that it shall be lawful for the municipal council of the corporation of the city of Ottawa to pass a by-law or by-laws for borrowing a sum or sums of money not exceeding in the whole the sum of \$225,000, and to issue debentures therefor which may be made payable within such
- 45 period not exceeding twenty years, and with such rate of interest not exceeding six per centum per annum, payable yearly or half-yearly as the said council may think fit, such by-law or by-laws to be submitted for the approval of the electors as required by the provisions of *The Municipal*
- 50 *Act*.
- Issue of debentures for \$225,000 authorized.

## SCHEDULE.

*Victoria Ward.*

Victoria Ward shall include all that portion of the City of Ottawa with the territory hereinbefore annexed thereto, and bounded on the east by the Rideau Canal, and on the south by Sparks street, that portion of Wellington street west of the intersection of Sparks street and by the Richmond road, on the north by the Ottawa River, and on the west by the westerly boundary of the City of Ottawa as defined by this Act.

*Dalhousie Ward.*

Dalhousie Ward shall include all that portion of the City of Ottawa, with the territory hereinbefore annexed thereto, and bounded on the East by Concession street, and by the road allowance between Concession C and first concession of the Township of Nepean, on the North by Wellington street, and by the Richmond road, on the West by the western boundary of the City of Ottawa as defined by this Act, and on the South by the southern boundary of the City of Ottawa as defined by this Act.

*Wellington Ward.*

Wellington Ward shall include all that portion of the City of Ottawa, with the territory hereinbefore annexed thereto, and bounded on the East by Bank Street and by the Bank street road, on the North by Sparks street, and on the West by Concession street, and on the South by the southern boundary of the City of Ottawa as defined by this Act.

*Central Ward.*

Central Ward shall include all that portion of the City of Ottawa, with the territory hereinbefore annexed thereto, and bounded on the east by the Rideau Canal, on the north by Sparks Street, on the west by Banks Street and by the Bank Street Road, and on the south by the southern boundary of the City of Ottawa as defined by this Act.

*St. George's Ward.*

St. George's Ward shall include all that portion of the City of Ottawa comprised within the present boundaries of St. George's Ward in the said City of Ottawa.

*By Ward.*

By Ward shall include all that portion of the City of Ottawa comprised within the present boundaries of By Ward in the said City of Ottawa.

*Ottawa Ward.*

Ottawa Ward shall include all that portion of the City of Ottawa comprised within the present boundaries of Ottawa Ward in the said City of Ottawa.

*Rideau Ward.*

Rideau Ward shall include all that portion of the City of Ottawa, with the territory hereinbefore annexed thereto, lying east of the Rideau River.



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2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL.

An Act to extend the limits of the City of  
Ottawa, and to re-arrange the wards  
thereof and for other purposes.

*(Reprinted as unamended by Private Bills  
Committee.)*

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First Reading, 8th February, 1888.

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(Private Bill.)

MR BRONSON

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TORONTO.

PRINTED BY WARWICK & SONS, 26 & 28 FRONT ST. W.

An Act to extend the limits of the City of Ottawa and to re-arrange the Wards thereof and for other purposes.


WHEREAS the corporation of the city of Ottawa by its petition has represented that it is expedient to add to the present limits of the city of Ottawa the localities adjacent thereto hereinafter mentioned *and described*, and that it is desirable to extend the limits of the city of Ottawa by annexing the said territory thereto, and to re-arrange the wards thereof; and, whereas, it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All that portion of the township of Nepean, in the county of Carleton, comprised within the following limits, that is to say:—Commencing at the centre of the channel of the Ottawa River, at the north-west angle of the present boundary of the city of Ottawa, thence westerly and following the centre of the said channel of the Ottawa River against the stream to the westerly line of the Canadian Pacific Railway bridge across the said Ottawa River, then southerly in a straight line to where Mason street meets the water's edge of the Ottawa River, thence along the centre of Mason street to its intersection with the old road to the Little Chaudiere, thence south-easterly along the centre line of the said old road to the Richmond road, thence across the Richmond road to Fourth avenue, Bayswater, thence along the westerly boundary of Fourth avenue to Cedar street, thence easterly along Cedar street to its intersection with the westerly limit of the St. Lawrence and Ottawa branch of the Canadian Pacific Railway, thence along the westerly limit of the *St. Lawrence and Ottawa branch of the Canadian Pacific Railway* to the Rideau canal, thence easterly along the Rideau Canal to the present southerly boundary of the city of Ottawa, being the dividing line between lots E and F, in concession D, of the township of Nepean, thence westerly along the present southerly boundary of the city of Ottawa to the south-west angle of the present boundary of the city of Ottawa, thence in a northerly direction along the present westerly boundary of the city of Ottawa to Maria Street produced, thence westerly and northerly along the present boundary of the city of Ottawa to the place of beginning; and all that portion of the township of Gloucester, in the county of Carleton, comprised within the following limits, that is to say:—Commencing at the easterly boundary of the city of Ottawa where Ottawa Street meets the Rideau River, thence across the Rideau River to Beechwood Avenue,

Territory added to City of Ottawa.

thence easterly along the centre of Beechwood Avenue to Butternut Terrace, thence along the centre of Butternut Terrace to Maple Lane, thence westerly along the centre of Maple Lane to Princess Terrace, thence in a southerly direction along the easterly boundary of that part of the city of Ottawa known as New Edinburgh Ward to the Rideau River, thence in an easterly direction along the water's edge of the Rideau River to the present site of the St. Patrick's Street Bridge, including that part of the Rideau River between the site of St. Patrick's Street Bridge and the Ottawa River, and all the islands situated in the said portion of the Rideau River. Also, that portion of the Ottawa River lying between the main shore and the following boundaries, that is to say: Commencing at that point where Ottawa Street in New Edinburgh Ward produced meets the Ottawa River; thence westerly in a direct line to the centre of the channel of the Ottawa River, thence southerly following the centre of the channel of the Ottawa River against the stream to the present boundary of the city of Ottawa, are hereby annexed to, and shall henceforth be included within the limits of the city of Ottawa (which limits are hereby extended so as to include the said territory) subject to the same provisions of law as if such addition had been made under *The Municipal Act* and amendments thereto, except in so far as the same are inconsistent with the provisions of this Act. 


Wards.

**2.** The said city of Ottawa, together with the said additional territory, is hereby divided into eight wards in manner described in the schedule to this Act.






Adjustment of debts and liabilities. Rev. Stat. c. 184.

**3.** The debts and liabilities of the municipalities interested shall be adjusted between the said different municipalities in manner and form as is provided in such cases in *The Municipal Act* and amendments thereto.

Commencement of ss. 1-3.


**4.** The preceding sections of this Act shall not come into operation until the first day of January, 1889. 


Assessment of vacant lands in added territory. Rev. Stat. c. 193.

**5.** Notwithstanding anything contained in *The Assessment Act*, in assessing the vacant ground, or ground used as a farm, garden or nursery,  or for the purpose of piling sawn lumber thereon,  and not in immediate demand for building purposes, in the territory added to the present limits of the city of Ottawa by this Act, the assessors shall value such land as though it was held for farming or gardening purposes, and such vacant land, though surveyed into building lots, if unsold as such, may be entered on the assessment roll as so many acres of the original block or lot, describing the same by the description of the block or by the number of the lot and concession of the township in which the same may have been situated, as the case may be, and so long as the said land is assessed  and in actual use as farming, gardening or nursery lands  it shall not be liable for payment of water rates unless the water is actually supplied to the owner or occupant of such land. 


Time of making assessment in added territory.

**6.** The assessment of the said territory hereinbefore annexed to the limits of the city of Ottawa for the imposition of rates


and taxes for the year 1889, may be made at the same time during the present year, that the assessment of the city of Ottawa is being made for the year 1889. 

**7.** The voters' lists of those portions of the township of Nepean and the township of Gloucester comprised within the territory by this Act annexed to the city of Ottawa for the year 1888, as finally revised for that year, are hereby confirmed, and the said voters' lists are hereby constituted the voters' lists for those portions of the city of Ottawa for the year 1888, and may be used at the elections for aldermen and school trustees for the year 1889 in the respective wards in which the said territory is included. 



Voter's list confirmed.

**8.** The election of aldermen and school trustees for the wards mentioned in the schedule to this Act, may be held in the month of December, 1888, in accordance with the provisions of *The Municipal Act*, and the Acts of this Legislature relating to the election of school trustees. 

Election of aldermen and school trustees. Rev. Stat. c. 184.

**9.** And whereas it has been represented by the petitions of the By-town and Nepean Road Company, the Nepean and North Gower consolidated macadamized road company, and the Ottawa and Gloucester Road Company, that portions of the road companies roads constructed by them will be and are embraced within the limits of the said city of Ottawa as extended by this Act: Therefore it is hereby enacted that the corporation of the city of Ottawa shall acquire so much of the said roads respectively as shall be and are embraced within the limits of the said city as enlarged by this Act, and shall pay the said companies for such portions respectively, and in case the said road companies and the said corporation do not within six months after the passing of this Act agree as to the amount of money to be paid for said portions of the said roads as aforesaid or as to the time of payment, the matter shall be settled by arbitration pursuant to the provisions of *The Municipal Act*. 

Corporation of Ottawa to purchase portions of certain roads.

**10.** It shall be lawful for the council of the corporation of the city of Ottawa, on the report of the health officer and the board of health, recommending the construction of a sewer or the draining of any locality for sanitary or drainage purposes, adopted by the council, to cause the said work to be done, and to raise by way of loan an amount of money sufficient to pay the cost of such improvement or work by the issue of debentures, secured by special rate on the property benefited according to the frontage thereof, and to assess and levy such special rate upon the real property fronting or abutting on the street or place whereon or wherein such improvement or work is proposed to be done or made:  provided, however, that the provisions of this section shall apply to subsidiary or branch sewers *only* and not to any main or trunk sewer. 

Construction of drains by local assessment.

**11.** The by-law or by-laws of the said corporation passed for the purpose of raising by way of loan the cost of any such improvement or work shall not require to be submitted to or to have the assent of the electors of the said city of Ottawa before the final passing thereof, nor shall it be neces-

Assent of electors to by-laws for drainage assessment not required.

sary that any of the provisions of *The Municipal Act*, and amendments thereto relating to by-laws for creating debts, be complied with.

Issue of debentures for \$225,000 authorized.

12. And whereas, it has been represented by petition that the corporation of the city of Ottawa has incurred liabilities, which are now maturing, to the amount of \$139,975, including the amount of certain mortgages on city property ; and whereas it will require a further sum of \$85,000 to pay for the construction of certain public works rendered necessary by the rapid growth of the city and the extension of its limits, it is therefore hereby enacted that it shall be lawful for the municipal council of the corporation of the city of Ottawa to pass a by-law or by-laws for borrowing a sum or sums of money not exceeding in the whole the sum of \$225,000, and to issue debentures therefor which may be made payable within such period not exceeding twenty years, and with such rate of interest not exceeding six per centum per annum, payable yearly or half-yearly as the said council may think fit, such by-law or by-laws to be submitted for the approval of the electors as required by the provisions of *The Municipal Act*.

## SCHEDULE.

### *Victoria Ward.*

Victoria Ward shall include all that portion of the City of Ottawa with the territory hereinbefore annexed thereto, and bounded on the east by the Rideau Canal, and on the south by Sparks street, by that portion of Wellington street west of the intersection of Sparks street and by the Richmond road, on the north by the Ottawa River, and on the the west by the westerly boundary of the City of Ottawa as defined by this Act.

### *Dalhousie Ward.*

Dalhousie Ward shall include all that portion of the City of Ottawa, with the territory hereinbefore annexed thereto, and bounded on the East by Concession street, and by the road allowance between Concession C and first concession of the Township of Nepean, on the North by Wellington street, and by the Richmond road, on the West by the western boundary of the City of Ottawa as defined by this Act, and on the South by the southern boundary of the City of Ottawa as defined by this Act.

### *Wellington Ward.*

Wellington Ward shall include all that portion of the City of Ottawa, with the territory hereinbefore annexed thereto, and bounded on the East by Bank Street and by the Bank street road, on the North by Sparks street, and on the West by Concession street, and on the South by the southern boundary of the City of Ottawa as defined by this Act.



*Central Ward.*

Central Ward shall include all that portion of the City of Ottawa, with the territory hereinbefore annexed thereto, and bounded on the east by the Rideau Canal, on the north by Sparks Street, on the west by Bank Street and by the Bank Street Road, and on the south by the southern boundary of the City of Ottawa as defined by this Act.

*St. George's Ward.*

St. George's Ward shall include all that portion of the City of Ottawa comprised within the present boundaries of St. George's Ward in the said City of Ottawa.

*By Ward.*

By Ward shall include all that portion of the City of Ottawa comprised within the present boundaries of By Ward in the said City of Ottawa.

*Ottawa Ward.*

Ottawa Ward shall include all that portion of the City of Ottawa comprised within the present boundaries of Ottawa Ward in the said City of Ottawa.

*Rideau Ward.*

Rideau Ward shall include all that portion of the City of Ottawa, with the territory hereinbefore annexed thereto, lying east of the Rideau River.

No. 38.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to extend the limits of the City of Ottawa, and to re-arrange the wards thereof and for other purposes.

*(Reprinted as again amended by Private Bills Committee.)*

First Reading, 8th February, 1888.

(Private Bill).

Mr. BRONSON.

TORONTO:

PRINTED BY WARWICK & SONS, 25 AND 28 FRONT ST. W.

An Act to legalize certain By-laws and Debentures  
of the Towns of Berlin and Waterloo.

**W**HEREAS, the corporation of the town of Berlin did, on Preamble.  
the twenty-second day of November, 1887, pass a  
by-law, after the same was duly approved by the ratepayers  
of that town, intituled "By-law No. 381, to authorize the issue  
5 of debentures to the amount of \$80,000 for the purpose of  
paying for shares in the capital stock of the Berlin and Cana-  
dian Pacific Junction Railway Company and to authorize the  
subscription of stock to that amount, and for other purposes  
therein mentioned," and no application has been made to  
10 quash the same but doubts may be raised as to its validity;  
and whereas, the said last mentioned corporation has peti-  
tioned that for the purpose of removing all doubts as to the  
validity of their said by-law, the same may be confirmed and  
legalized as amended by this Act, and the debentures, and  
15 the principal and interest secured thereby, may be made pay-  
able within thirty years instead of twenty years as in their  
said by-law provided, and be made payable either in this Pro-  
vince or in Great Britain or elsewhere, and may be expressed  
in sterling money of Great Britain or in currency of Canada  
20 as may be deemed expedient; and whereas, the corporation of  
the town of Waterloo did, on the twenty-eighth day of Decem-  
ber, 1887, pass a by-law, after the same was duly approved by  
the ratepayers of that town, intituled "By-law No. 83, to  
authorize the issue of debentures to the amount of \$40,000,  
25 for the purpose of paying for shares in the capital stock of  
the Berlin and Canadian Pacific Junction Railway Company,  
and to authorize the subscription of stock to that amount, and  
for other purposes therein mentioned," and no application has  
been made to quash the same but doubts may be raised as to  
30 its validity; and whereas, the said last mentioned corporation  
has petitioned that for the purpose of removing all doubts as  
to the validity of their said by-law the same may be confirmed  
and legalized as amended by this Act, and the debentures and  
principal and interest secured thereby, may be made payable  
35 within thirty years instead of twenty years, as in their  
said by-law provided, and be made payable either in  
this Province or in Great Britain or elsewhere, and may  
be expressed in sterling money of Great Britain or in  
currency of Canada as may be deemed expedient; and  
40 whereas, the object and purpose of passing the said two  
by-laws was to aid in the construction of a railway to  
connect the said two towns with some railway being operated  
by the Canadian Pacific Railway Company, and since the  
passing of such by-laws it has been ascertained that it is in  
45 contemplation to build another railway to be operated by the

Canadian Pacific Railway Company with which the said towns may prefer to be connected rather than with the Credit Valley Railway; and whereas, it is expedient to amend the said by-laws so as to authorize the application of the proceeds of said debentures towards the construction of either that portion of the Berlin and Canadian Pacific Junction Railway lying northward from the town of Berlin or that portion thereof lying southward from the town of Waterloo, and it is expedient to grant the prayers of the said petitions;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law of town of Berlin confirmed.

1. The said by-law of the said corporation of the town of Berlin, intituled "By-law No. 381, to authorize the issue of debentures to the amount of \$80,000, for the purpose of paying for shares in the capital stock of the Berlin and Canadian Pacific Junction Railway Company, and to authorize the subscription of stock to that amount, and for other purposes therein mentioned," is hereby confirmed and declared to be legal and valid to all intents and purposes, and the debentures to be issued under the said last mentioned by-law, shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the town of Berlin and the ratepayers thereof, notwithstanding anything in any Act or law to the contrary, and such debentures so to be issued and the principal money secured thereby and the interest accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or in currency of Canada; and the said debentures may be made payable at any time not more than thirty years from their issue, and the municipal council of the town of Berlin may pass a by-law or by-laws to authorize such debentures to be made so payable as last aforesaid, and to amend the said by-law No. 381 accordingly, and may, in such amending by-law or by-laws, settle the specific sum to be raised levied and collected in each year during the continuance of the said debentures to be issued under the said by-law No. 381 and any amending by-law, by a special rate sufficient therefor, on all the ratable property in the said town of Berlin, for the purpose of forming a sinking fund for the payment of such debentures and for the purpose of paying the interest thereon, the same to be substituted for the specific annual sums appointed to be raised under the said by-law No. 381.

By-law of town of Waterloo confirmed.

2. The said by-law of the said corporation of the town of Waterloo, intituled "By-law No. 83, to authorize the issue of debentures to the amount of \$40,000 for the purpose of paying for shares in the capital stock of the Berlin and Canadian Pacific Junction Railway Company, and to authorize the subscription of stock to that amount, and for other purposes therein mentioned," is hereby confirmed and declared to be legal and valid to all intents and purposes, and the debentures to be issued under the said last mentioned by-law shall be, and the same are hereby declared to be, valid, legal and binding upon the corporation of the town of Waterloo and the ratepapers thereof, notwithstanding anything in any Act or law to the contrary, and such debentures so to be issued and the principal money secured thereby and the interest

accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or in currency of Canada; and the said debentures may be made payable at any time not more than thirty years from their issue, and the municipal council of the town of Waterloo may pass a by-law or by-laws to authorize such debentures to be made so payable as last aforesaid, and to amend the said by-law No. 83 accordingly, and may, in such amending by-law or by-laws, settle the specific sum to be raised, levied and collected in each year during the continuance of the said debentures to be issued under the said by-law No. 83 and any amending by-law, by a special rate sufficient therefor on all the ratable property in the said town of Waterloo, for the purpose of forming a sinking fund for the payment of such debentures and for the purpose of paying the interest thereon, the same to be substituted for the specific annual sums appointed to be raised under the said by-law No. 83.

3. The shares of capital stock in the Berlin and Canadian Pacific Junction Railway Company mentioned in the said two by-laws respectively, may be legally subscribed for, and the said debentures mentioned in sections 1 and 2 of this Act, may be validly issued, so soon as the Canadian Pacific Railway Company shall have entered into an agreement with the said Berlin and Canadian Pacific Junction Railway Company in the manner set forth in the said by-laws respectively, with this variation, however, that the portion of the said Berlin and Canadian Pacific Junction Railway to be constructed and to be mentioned in such agreement, and to be operated and worked by the Canadian Pacific Railway Company, shall be either that portion of the said Berlin and Canadian Pacific Junction Railway extending northward from the town of Berlin to some point at or near Elora, or to that point between Berlin and Elora where such railway may intersect any other railway hereafter to be built by any company and to be operated by the Canadian Pacific Railway Company, or that portion of the said Berlin and Canadian Pacific Junction Railway extending southward from the town of Waterloo to some point at or near Dumfries Station on the Credit Valley Railway.

Subscription for shares in the Berlin and Canadian Pacific Junction Ry. Co. authorized.

4. The Canadian Pacific Railway Company, and the Berlin and Canadian Pacific Junction Railway Company, are hereby authorized and empowered to make and enter into the agreement contemplated and mentioned in the last preceding section of this Act, which agreement, if and when made, shall be a contract binding upon both the said companies.

Railway companies authorized to make agreement provided for by s. 3.

5. No intending purchaser or purchasers of the said debentures, or any of them, shall be bound to enquire whether the agreement mentioned in sections 3 and 4 of this Act was made before the subscription of the said stock or before the issue of the said debentures or not, but such debentures shall be all legal and valid after coming into the possession of any *bona fide* purchaser or other lawful holder thereof.

Purchasers of debentures not bound to see that agreements have been made under ss. 3 and 4.

6. The respective amounts or dividends which may be paid to the said towns of Berlin and Waterloo respectively, out of the

Application of dividend paid by railway.

forty per cent. of the gross earnings of the said Berlin and Canadian Pacific Junction Railway to be mentioned in the said agreement, may be applied by the said towns respectively towards forming the sinking fund for the payment of the said debentures, or for the purpose of paying the interest thereon, 5  
or for the general purposes of the said towns respectively.

Form of debentures and by-laws.

7. The debentures issued under the said by-laws number 381 and number 83, and any by-law or by-laws to be passed in amendment of said by-laws or either of them under this Act, may be in the form contained in Schedule A to this Act and the by-law or by-laws in amendment of the said by-law number 381, or of the said by-law number 83, under the authority of this Act, may be in the form contained in Schedule B to this Act. 15

Irregularities of form not to render debentures or by-laws illegal.

8. No irregularity in the form of the said debentures to be issued under the said by-law or by-laws, or any amending by-law or by-laws, or in the form of any such by-law or by-laws, shall render the same invalid or illegal, or be allowed as a defence to any action to be brought against the said corporations, or either of them, for the recovery of the amounts of such debentures and interest on any or either of them or any part thereof. 20

Assent of electors to by-laws not required.

9. It shall not be necessary to obtain the assent of the electors of either the said town of Berlin or the said town of Waterloo to the passing of any by-law amending either of the said by-laws number 381 or number 83 to be passed under the authority of this Act, or to observe any of the formalities in relation thereto prescribed by *The Municipal Act*. 25

By-laws not to be repealed.

10. The said by-laws number 381 and number 83, and any by-law or by-laws to be passed amending the same, shall not be repealed until the debt which may be created in and by such by-laws and the interest thereon shall be paid and satisfied. 30

#### SCHEDULE A.

Canada, Province of Ontario, Town of 35

Under and by virtue of by-law No. (381 or 83 as the case may be) of the corporation of the town of and of by-law No. of the said town, passed to amend the said by-law No. under the authority of *An Act to legalize certain By-laws and Debentures of the Towns of Berlin and Waterloo*, 40 passed in the fifty-first year of Her Majesty's reign, chaptered the corporation of the town of promise to pay to the bearer at the sum of on the day of one thousand hundred and and the half-yearly coupons for interest thereon hereto attached as the same shall severally 45 become due.

Signed by the mayor, countersigned by the treasurer, sealed with the corporate seal of the said town, and dated at Ontario, Canada, this day of A.D. 18 .

## SCHEDULE B.

## BY-LAW No.—

Under and by virtue of *An Act to legalize certain By-laws and Debentures of the Towns of Berlin and Waterloo*, passed in the fifty-first year of Her Majesty's reign, chaptered

The corporation of the town of \_\_\_\_\_, by the municipal council thereof, in council duly convened and assembled, enacts as follows:—

1. The debentures to be issued under by-law No. \_\_\_\_\_ of the said town, shall be made payable not more than thirty years from the issue of such debentures, and may be made payable in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or in the currency of Canada, and the said by-law No. \_\_\_\_\_ is hereby declared to be amended accordingly.

2. The following is substituted for section 5 of the said by-law No. \_\_\_\_\_ . "5. That for the purpose of forming a sinking fund for the payment of the said debentures the certain specific sum of \_\_\_\_\_ and for the purpose of paying interest upon the said debt the certain specific sum of \_\_\_\_\_ making together the sum of \_\_\_\_\_ shall be raised, levied and collected in each year during the continuance of the said debentures or any of them by a special rate sufficient therefor on all the ratable property in the said town."

3. The said by-law No. \_\_\_\_\_ is hereby further amended so as to make it conform to and agree with the enactments contained in section three of the said Act.

This By-law No. \_\_\_\_\_ was passed in open council this \_\_\_\_\_ day of \_\_\_\_\_ A. D., one thousand eight hundred and \_\_\_\_\_

No. 39.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to legalize certain By-laws and  
Debentures of the Towns of Berlin and  
Waterloo.

First Reading	1888.
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(Private Bill.)

Mr. SNIDER.

TORONTO:

PRINTED BY WARWICK & SON, 25 AND 28 FRONT ST. W.



An Act to legalize certain By-laws and Debentures  
of the Towns of Berlin and Waterloo.

WHEREAS the corporation of the town of Berlin did, on Preamble.  
the twenty-second day of November, 1887, pass a  
by-law, after the same was duly approved by the ratepayers  
of that town, intituled "By-law No. 381, to authorize the issue  
5 of debentures to the amount of \$80,000 for the purpose of  
paying for shares in the capital stock of the Berlin and Cana-  
dian Pacific Junction Railway Company and to authorize the  
subscription of stock to that amount, and for other purposes  
therein mentioned," and no application has been made to  
10 quash the same but doubts may be raised as to its validity;  
and whereas, the said last mentioned corporation has peti-  
tioned that for the purpose of removing all doubts as to the  
validity of their said by-law, the same may be confirmed and  
legalized as amended by this Act, and the debentures, and  
15 the principal and interest secured thereby, may be made pay-  
able within thirty years instead of twenty years as in their  
said by-law provided, and be made payable either in this Pro-  
vince or in Great Britain or elsewhere, and may be expressed  
in sterling money of Great Britain or in currency of Canada  
20 as may be deemed expedient; and whereas, the corporation of  
the town of Waterloo did, on the twenty-eighth day of Decem-  
ber, 1887, pass a by-law, after the same was duly approved by  
the ratepayers of that town, intituled "By-law No. 83, to  
authorize the issue of debentures to the amount of \$40,000,  
25 for the purpose of paying for shares in the capital stock of  
the Berlin and Canadian Pacific Junction Railway Company,  
and to authorize the subscription of stock to that amount, and  
for other purposes therein mentioned," and no application has  
been made to quash the same but doubts may be raised as to  
30 its validity; and whereas, the said last mentioned corporation  
has petitioned that for the purpose of removing all doubts as  
to the validity of their said by-law the same may be confirmed  
and legalized as amended by this Act, and the debentures and  
principal and interest secured thereby, may be made payable  
35 within thirty years instead of twenty years, as in their  
said by-law provided, and be made payable either in  
this Province or in Great Britain or elsewhere, and may  
be expressed in sterling money of Great Britain or in  
currency of Canada as may be deemed expedient; and  
40 whereas, the object and purpose of passing the said two  
by-laws was to aid in the construction of a railway to  
connect the said two towns with some railway being operated  
by the Canadian Pacific Railway Company, and since the  
passing of such by-laws it has been ascertained that it is in  
45 contemplation to build another railway to be operated by the

Canadian Pacific Railway Company with which the said towns may prefer to be connected rather than with the Credit Valley Railway; and whereas, it is expedient to amend the said by-laws so as to authorize the application of the proceeds of said debentures towards the construction of either that portion of the Berlin and Canadian Pacific Junction Railway lying northward from the town of Berlin or that portion thereof lying southward from the town of Waterloo, and it is expedient to grant the prayers of the said petitions;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—



By-law of town of Berlin confirmed.

1. The said by-law of the said corporation of the town of Berlin, intituled "By-law No. 381, to authorize the issue of debentures to the amount of \$80,000, for the purpose of paying for shares in the capital stock of the Berlin and Canadian Pacific Junction Railway Company, and to authorize the subscription of stock to that amount, and for other purposes therein mentioned," is hereby confirmed and declared to be legal and valid to all intents and purposes, and the debentures to be issued under the said last mentioned by-law, shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the town of Berlin and the ratepayers thereof, notwithstanding anything in any Act or law to the contrary, and such debentures so to be issued and the principal money secured thereby and the interest accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or in currency of Canada; and the said debentures may be made payable at any time not more than thirty years from their issue, and the municipal council of the town of Berlin may pass a by-law or by-laws to authorize such debentures to be made so payable as last afore-said, and to amend the said by-law No. 381 accordingly, and may, in such amending by-law or by-laws, settle the specific sum to be raised, levied and collected in each year during the continuance of the said debentures to be issued under the said by-law No. 381 and any amending by-law, by a special rate sufficient therefor, on all the ratable property in the said town of Berlin, for the purpose of forming a sinking fund for the payment of such debentures and for the purpose of paying the interest thereon, the same to be substituted for the specific annual sums appointed to be raised under the said by-law No. 381.

By-law of town of Waterloo confirmed.

2. The said by-law of the said corporation of the town of Waterloo, intituled "By-law No. 83, to authorize the issue of debentures to the amount of \$40,000 for the purpose of paying for shares in the capital stock of the Berlin and Canadian Pacific Junction Railway Company, and to authorize the subscription of stock to that amount, and for other purposes therein mentioned," is hereby confirmed and declared to be legal and valid to all intents and purposes, and the debentures to be issued under the said last mentioned by-law shall be, and the same are hereby declared to be, valid, legal and binding upon the corporation of the town of Waterloo and the ratepapers thereof, notwithstanding anything in any Act or law to the contrary, and such debentures so to be issued and the principal money secured thereby and the interest

accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or in currency of Canada; and the said debentures may be made payable at any time not more than thirty years from their issue, and the municipal council of the town of Waterloo may pass a by-law or by-laws to authorize such debentures to be made so payable as last aforesaid, and to amend the said by-law No. 83 accordingly, and may, in such amending by-law or by-laws, settle the specific sum to be raised, levied and collected in each year during the continuance of the said debentures to be issued under the said by-law No. 83 and any amending by-law, by a special rate sufficient therefor on all the ratable property in the said town of Waterloo, for the purpose of forming a sinking fund for the payment of such debentures and for the purpose of paying the interest thereon, the same to be substituted for the specific annual sums appointed to be raised under the said by-law No. 83.

3. The shares of capital stock in the Berlin and Canadian Pacific Junction Railway Company mentioned in the said two by-laws respectively, may be legally subscribed for, and the said debentures mentioned in sections 1 and 2 of this Act, may be validly issued, so soon as the Canadian Pacific Railway Company shall have entered into an agreement with the said Berlin and Canadian Pacific Junction Railway Company in the manner set forth in the said by-laws respectively, with this variation, however, that the portion of the said Berlin and Canadian Pacific Junction Railway to be constructed and to be mentioned in such agreement, and to be operated and worked by the Canadian Pacific Railway Company, shall be either that portion of the said Berlin and Canadian Pacific Junction Railway extending northward from the town of Berlin to some point at or near Elora, or to that point between Berlin and Elora where such railway may intersect any other railway hereafter to be built by any company and to be operated by the Canadian Pacific Railway Company, or that portion of the said Berlin and Canadian Pacific Junction Railway extending southward from the town of Waterloo to some point at or near Dumfries Station on the Credit Valley Railway;  provided always that the consent of the councils of the said towns of Waterloo and Berlin shall, prior to the making and entering into of any such agreement between the said companies containing any such variation as aforesaid, have been first had and obtained by by-laws to be passed by the said councils respectively, which said by-laws shall not have force or effect unless and until the same shall have received the assent of the ratepayers of the said towns, duly qualified to vote on money by-laws according to sections 308 and 309 of *The Municipal Act* or any Act amending the said sections. 

Subscription for shares in the Berlin and Canadian Pacific Junction Ry. Co. authorized.

4. No intending purchaser or purchasers of the said debentures, or any of them, shall be bound to enquire whether the agreement mentioned in sections 3 and 4 of this Act was made before the subscription of the said stock or before the issue of the said debentures or not, but such debentures shall be all legal and valid after coming into the possession of any *bona fide* purchaser or other lawful holder thereof.

Purchasers of debentures not bound to see that agreements have been made under ss. 3 and 4.

Application of dividend paid by railway.

5. The respective amounts or dividends which may be paid to the said towns of Berlin and Waterloo respectively, out of the forty per cent. of the gross earnings of the said Berlin and Canadian Pacific Junction Railway to be mentioned in the said agreement, may be applied by the said towns respectively towards forming the sinking fund for the payment of the said debentures, or for the purpose of paying the interest thereon, or for the general purposes of the said towns respectively. 5

Form of debentures and by-laws.

6. The debentures issued under the said by-laws number 381 and number 83, and any by-law or by-laws to be passed in amendment of said by-laws or either of them under this Act, may be in the form contained in schedule A to this Act and the by-law or by-laws in amendment of the said by-law number 381, or of the said by-law number 83, under the authority of this Act, may be in the form or to the effect contained in schedule B to this Act, and shall not require the assent of the electors of the said respective towns of Berlin and Waterloo, or either of them. 10 15

Irregularities of form not to render debentures or by-laws illegal.

7 No irregularity in the form of the said debentures to be issued under the said by-law or by-laws, or any amending by-law or by-laws, or in the form of any such by-law or by-laws, shall render the same invalid or illegal, or be allowed as a defence to any action to be brought against the said corporations, or either of them, for the recovery of the amounts of such debentures and interest on any or either of them or any part thereof. 20 25

By-laws not to be repealed.

8. The said by-laws number 381 and number 83, and any by-law or by-laws to be passed amending the same, shall not be repealed until the debt which may be created in and by such by-laws and the interest thereon shall be paid and satisfied. 30

#### SCHEDULE A.

Canada, Province of Ontario, Town of

Under and by virtue of by-law No. (381 or 83 as the case may be) of the corporation of the town of and of by-law No. of the said town, passed to amend the said by-law No. under the authority of *An Act to legalize certain By-laws and Debentures of the Towns of Berlin and Waterloo*, passed in the fifty-first year of Her Majesty's reign, chaptered , the corporation of the town of promise to pay to the bearer at , the sum of on the day of , one thousand hundred and and the half-yearly coupons for interest thereon hereto attached as the same shall severally become due.

Signed by the mayor, countersigned by the treasurer, sealed with the corporate seal of the said town, and dated at Ontario, Canada, this day of A.D. 18 .

## SCHEDULE B.

## BY-LAW NO.—

Under and by virtue of *An Act to legalize certain By-laws and Debentures of the Towns of Berlin and Waterloo*, passed in the fifty-first year of Her Majesty's reign, chaptered

The corporation of the town of \_\_\_\_\_, by the municipal council thereof, in council duly convened and assembled, enacts as follows:—

1. The debentures to be issued under by-law No. \_\_\_\_\_ of the said town, shall be made payable not more than thirty years from the issue of such debentures, and may be made payable in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or in the currency of Canada, and the said by-law No. \_\_\_\_\_ is hereby declared to be amended accordingly.

2. The following is substituted for section 5 of the said by-law No. \_\_\_\_\_. "5. That for the purpose of forming a sinking fund for the payment of the said debentures the certain specific sum of \_\_\_\_\_ and for the purpose of paying interest upon the said debt the certain specific sum of \_\_\_\_\_ making together the sum of \_\_\_\_\_ shall be raised, levied and collected in each year during the continuance of the said debentures or any of them by a special rate sufficient therefor on all the ratable property in the said town."

3. The said by-law No. \_\_\_\_\_ is hereby further amended so as to make it conform to and agree with the enactments contained in section three of the said Act.

This By-law No. \_\_\_\_\_ was passed in open council this \_\_\_\_\_ day of \_\_\_\_\_ A. D. one thousand eight hundred and \_\_\_\_\_.

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2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL.

An Act to legalize certain By-laws and Deputures of the Towns of Berlin and Waterloo.

*Re-printed as amended by Railway  
Committee.*

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First Reading February 17th, 1888.

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(Private Bill.)

MR. SNIDER.

An Act respecting the Incorporation of the Village of  
East Toronto.

**W**HEREAS, the municipal council of the corporation of Preamble.  
the county of York, did, by a by-law, passed on the  
twenty-third day of November, 1887, duly incorporate the  
village of East Toronto; and whereas, the inhabitants of the  
5 said village, thereafter, upon the days and times, and in the  
manner prescribed by *The Municipal Act*, did nominate and  
elect by acclamation the following persons as the council for  
the year 1888, namely:—Daniel George Stephenson, Reeve;  
and Benjamin Morton, Richard Lutterell, Frank Boston, and  
10 Charles Pickering, Councillors; and whereas, doubts have  
arisen whether the said incorporation takes place under *The  
Municipal Act*, in and for the year 1888, and thenceforward,  
or whether it takes place in and for the year 1889 and thence-  
forward and not before; and whereas, it is of importance to the  
15 said inhabitants that the said incorporation should take place  
immediately, in order that the necessary provisions may be  
made for water supply and other municipal purposes; and  
whereas, it is expedient to remove the said doubts;  
Therefore, Her Majesty, by and with the advice and consent  
20 of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Notwithstanding anything contained in *The Municipal Act*, the incorporation of the municipality of the Village of  
East Toronto shall be deemed to have taken place under the  
25 said by-law, on the first Monday in the month of January,  
1888. Incorporation to be deemed to have taken place in Jan'y 1888.

2. Notwithstanding anything contained in *The Municipal Act* as to the time of the taking effect of such incorporation,  
the re-election of the said Daniel George Stephenson, as Reeve,  
30 and of Benjamin Morton, Richard Luttrell, Frank Boston and  
Charles Pickering, as Councillors, shall be deemed to have been  
duly and lawfully had, and the said persons herein before named  
shall be the council of the said village of East Toronto, for  
the year 1888, subject to the provisions of *The Municipal  
35 Act*. Election of Council confirmed.

3. The said village of East Toronto, in addition to all  
powers by statute vested in them, or in any person or persons,  
or body corporate, to construct and maintain water works and  
to light the said village by electricity or otherwise, which said  
40 powers are not intended to be hereby altered, diminished or  
impaired, shall have the power to agree with the Grand Trunk  
Railway Company of Canada, and the said railway company  
Power to agree with G. T. R. Co., as to water supply.

may agree to supply them with water for all lawful purposes, and with the necessary motive power to generate electricity, for the purpose of lighting the said village by electric light, in as full and ample a manner as the said village, or any person or persons, or body corporate could do.

5

Power to agree with G. T. R. Co. as to taxation of railway property.

4. The said village of East Toronto shall have power to enter into such agreement as they may think fit with the Grand Trunk Railway Company of Canada, for lowering, fixing, commuting or compounding the rate of taxation of the property of the said railway company, situate within the 10 limits of the said village.

Village not to have power to grant bonuses.

5. Notwithstanding anything contained in *The Municipal Act*, the said village of East Toronto shall not have any power to grant a bonus to any person or persons or body corporate for manufacturing or trading purposes.

15





No. 40.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL

An Act respecting the Incorporation of the  
Village of East Toronto.

First Reading	1888.
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(Private Bill.)

Mr. SMITH.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Incorporation of the Village of  
East Toronto.

**W**HEREAS the municipal council of the corporation of the county of York, did, by a by-law, passed on the twenty-third day of November, 1887, duly incorporate the village of East Toronto; and whereas the inhabitants of the said village, thereafter, upon the days and times, and in the manner prescribed by *The Municipal Act*, did nominate and elect by acclamation the following persons as the council for the year 1888, namely:—Donald George Stephenson, Reeve; and Benjamin Morton, Richard Luttrell, Frank Boston, and Charles Pickring, Councillors; and whereas doubts have arisen whether the said incorporation takes place under *The Municipal Act*, in and for the year 1888, and thenceforward, or whether it takes place in and for the year 1889 and thenceforward and not before; and whereas it is of importance to the said inhabitants that the said incorporation should take place immediately, in order that the necessary provisions may be made for water supply and other municipal purposes; and whereas it is expedient to remove the said doubts;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in *The Municipal Act*, the incorporation of the municipality of the village of East Toronto shall be deemed to have taken place under the said by-law, on the first Monday in the month of January, 1888.

2. Notwithstanding anything contained in *The Municipal Act* as to the time of the taking effect of such incorporation, the election of the said Donald George Stephenson, as Reeve, and of Benjamin Morton, Richard Luttrell, Frank Boston and Charles Pickring, as Councillors, shall be deemed to have been duly and lawfully had, and the said persons hereinbefore named shall be the council of the said village of East Toronto, for the year 1888, subject to the provisions of *The Municipal Act*.

3. The said village of East Toronto, in addition to all powers by statute vested in them, or in any person or persons, or body corporate, to construct and maintain water works and to light the said village by electricity or otherwise, which said powers are not intended to be hereby altered, diminished or impaired, shall have the power from time to time for periods of not more than ten years to agree with the Grand Trunk Railway Company of Canada, and the said railway company

Preamble.

Incorporation to be deemed to have taken place in Jan'y 1888.

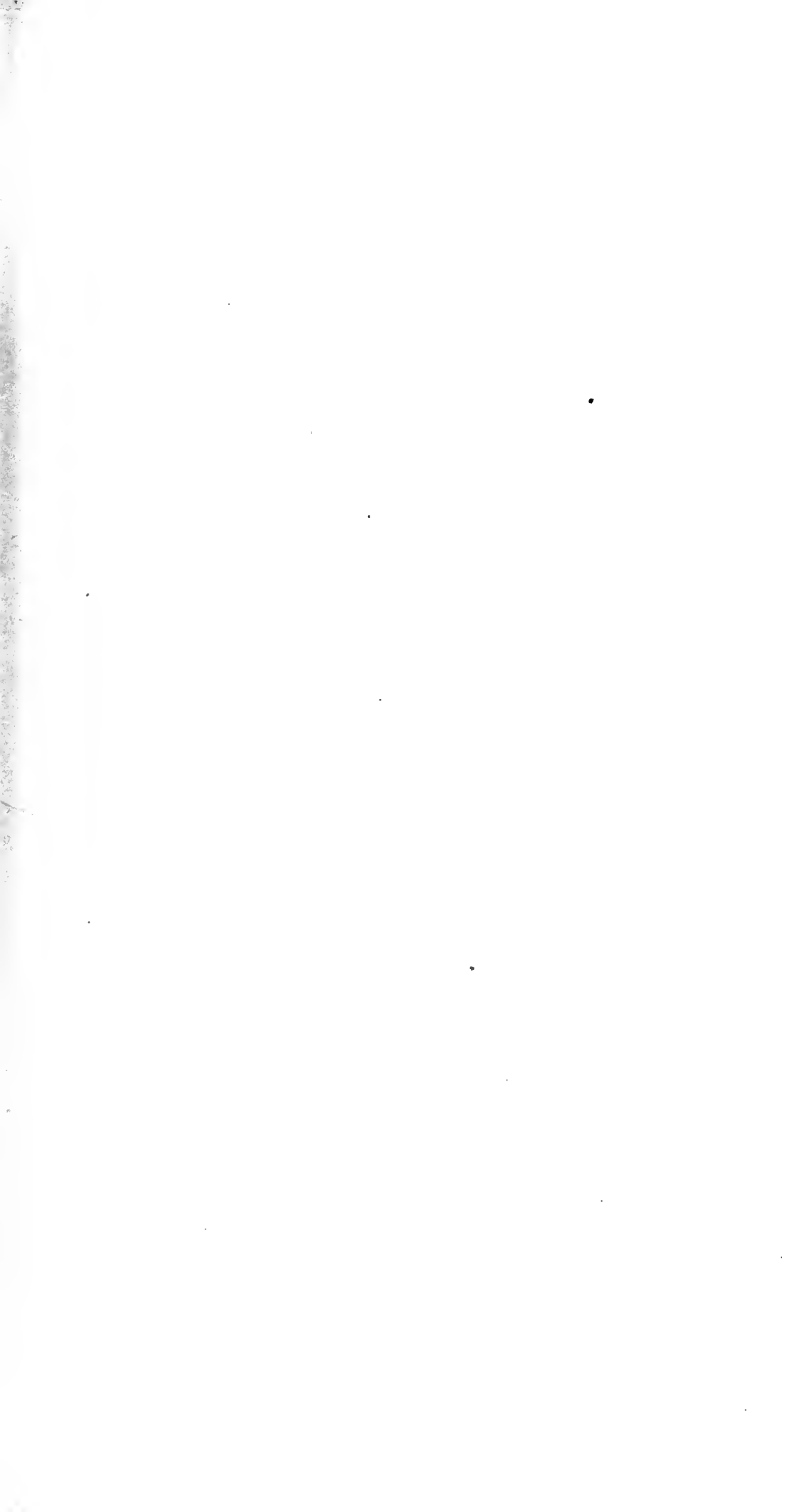
Election of Council confirmed.

Power to agree with G. T. R. Co., as to water supply.

may agree *with them* to supply them with water for all lawful purposes, and with the necessary motive power to generate electricity, for the purpose of lighting the said village by electric light, in as full and ample a manner as the said village, or any person or persons, or body corporate could do.

Power to agree with G. T. R. Co. as to taxation of railway property. **4.** The said village of East Toronto shall have power from time to time for periods of not more than ten years to enter into such agreement as they may think fit with the Grand Trunk Railway Company of Canada, for lowering, fixing, commuting or compounding the rate of taxation of the property of the said railway company, situate within the limits of the said village.

Village not to have power to grant bonuses. **5.** Notwithstanding anything contained in *The Municipal Act*, the said village of East Toronto shall not have any power to grant a bonus to any person or persons or body corporate for manufacturing or trading purposes.



**2nd Session, 6th Legislature, 51 Vic., 1888.**

**BILL**

**An Act respecting the Incorporation of the  
Village of East Toronto.**

*(Reprinted as amended by Private Bills  
Committee.)*

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First Reading, 21st February, 1888.

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(Private Bill.)

**MR. SMITH.**

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**TORONTO:**  
PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act respecting the Town of Bowmanville.

WHEREAS, the corporation of the town of Bowmanville, Preamble.  
 have, by their petition, shown that it is necessary to  
 raise by way of loan the sum of \$20,000, for the erection of  
 school buildings, to replace those recently destroyed by fire ;  
 5 and that it is desirable that the corporation should be in a  
 position to grant aid for the encouragement of manufactories  
 therein ; and that the Act passed in the twenty-third year of  
 the reign of Her Majesty, and chaptered 90, of the Parliament  
 of the late Province of Canada, consolidating the debt of the  
 10 said town, as amended by an Act passed in the session of the  
 said Parliament, held in the twenty-seventh and twenty-eighth  
 year of the reign of Her Majesty, and chaptered 73 ; an Act  
 of the Legislature of Ontario, passed in the thirty-seventh  
 year of the reign of Her Majesty, and chaptered 71, and an  
 15 Act of the same Legislature, passed in the forty-ninth year of  
 the reign of Her Majesty, and chaptered 52, be further  
 amended ; and that power be given to the corporation of the  
 said Town of Bowmanville, to issue debentures in excess of  
 the present debt of the said town, (which is \$42,000), to the  
 20 amount of \$50,000, for the purposes hereinafter named ; and  
 whereas, it is expedient to grant the prayer of said petition :

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly, of the Province of Ontario, enacts  
 as follows :—

25 1. The said corporation of the Town of Bowmanville may, Power to issue  
debentures for  
\$50,000  
 in excess of the present indebtedness of said town, issue  
 debentures under their corporate seal, signed by the Mayor,  
 and countersigned by the treasurer of the said corporation,  
 for the time being, in such sums not exceeding in the whole  
 30 \$50,000, as the council of the said town may direct.

2. The corporation of the said town shall, out of the pro- Application of  
proceeds of  
debentures.  
 ceeds of the said debentures, pay over to the treasurer of the  
 board of education, of the said town, the sum of \$20,000, to be  
 expended in the erection of school buildings therein, and may  
 35 give the remainder of said debentures, or any part thereof, by  
 way of bonus for the promotion of manufactories within the  
 limits of said town ; or may apply the proceeds of the  
 remainder of such debentures issued as aforesaid, or any part  
 thereof to the purchase of shares or stock in any manufactur-  
 40 ing company now established, or that may hereafter be  
 established, whose works shall be within the limits of said  
 town ; or for any other purpose which the council of the said  
 town may deem to be expedient, for the interest thereof.

Assent of electors under Rev. Stat. c. 184, s. 293 et seq. required.

3. No by-law shall be passed by the said corporation for the issue of said debentures, or any part thereof until the assent of the electors has been obtained, in conformity with the provisions of section 293 and the following sections of *The Municipal Act*.





2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act respecting the Town of  
Bowmanville.

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First Reading,	1888.
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(Private Bill)

Mr.

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TORONTO:  
PRINTED BY W ARWICK & SONS, 26 AND 28 FLEET ST. W.

## An Act respecting the Town of Bowmanville.

**W**HEREAS the corporation of the town of Bowmanville, Preamble.  
 have, by their petition, shown that it is necessary to  
 raise, by way of loan, the sum of \$20,000 for the erection of  
 school buildings, to replace those recently destroyed by fire ;  
 5 and that it is desirable that the ~~the~~ limitation to the  
 power of the said corporation to incur debt or liability imposed  
 by section 7 of ~~the~~ the Act passed in the twenty-third year of  
 the reign of Her Majesty, and chaptered 90, of the Parliament  
 of the late Province of Canada, *should be removed* ; and  
 10 whereas it is expedient to grant the prayer of said petition :  
 Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly, of the Province of Ontario, enacts  
 as follows:—

~~1.~~ 1. Section 7 of the Act passed in the twenty-third year 23 Vic. c. 90,  
 15 of the reign of Her Majesty, and chaptered 90, by the Parlia- s. 1, repealed.  
 ment of the late Province of Canada, is hereby repealed. ~~the~~

2. No by-law shall be passed by the said corporation for the Assent of elec-  
 issue of said debentures, or any part thereof until the assent of tors under  
 the electors has been obtained, in conformity with the pro- Rev. Stat.  
 20 visions of section 293 and the following sections of *The Muni-* c. 184, s. 293  
*cipal Act.* et seq.  
required.

BILL

An Act respecting the Town of  
Bowmanville.

*(Reprinted as amended by Private Bills  
Committee)*

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First Reading, 13th February, 1888.  
Second " 24th " "

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(Private Bill.)

MR. McLAUGHLIN.

TORONTO.

PRINTED BY WARWICK & SONS, 26 & 28 FRONT ST. W.

## An Act respecting the Town of Parkdale.

WHEREAS, the corporation of the town of Parkdale have by their petition, prayed for special legislation relating to the several matters and things hereinafter set forth; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All the provisions of *The Municipal Act* as to local improvements, so far as they relate to streets or highways, shall apply to Dufferin street and Roncesvalles avenue, notwithstanding that the real property on the west side of Dufferin street and east side of Roncesvalles avenue is within the town of Parkdale, and the real property on the east side of Dufferin street and the west side of Roncesvalles avenue is within the city of Toronto, and that Dufferin street is within the city of Toronto and Roncesvalles avenue is within the town of Parkdale.
2. The councils of the said municipalities after passing the by-laws for the doing of the work, are authorized and empowered to enter into agreements with each other as to the construction thereof, and as to the portion of the cost of such improvements to be borne by the real property in each municipality, and each of the said corporations is authorized and empowered to issue debentures for the portion of the said cost to be borne by the real property in such municipality. In case of disagreement the portion of said cost to be borne by the real property in each municipality is to be determined by arbitration pursuant to the provisions of *The Municipal Act*.
3. The Act respecting water and gas works at Parkdale, passed in the forty-fourth year of Her Majesty's reign and chaptered 44, is hereby amended by inserting the words "municipal or otherwise" after the word "corporation" in the second line of section 37.
4. The corporation of the town of Parkdale are hereby authorized and empowered for the purposes mentioned in section 39 of the said Act as by this Act amended, to pass a by-law or by-laws and to issue debentures at any one time or from time to time to an amount not in the whole exceeding the sum of \$50,000 in addition to the sum of \$100,000 in said section 39 mentioned, upon the terms and subject to all the provisions and conditions in said section 39 mentioned, such by-laws to be submitted to the electors as in said section mentioned.

Local improvement provisions to apply to certain streets situated partly in Toronto and partly in Parkdale.

Agreements between municipalities authorized.

44 V., c. 44, s. 37, amended.

Power as to issue of debentures extended.

By-law 432 confirmed.

**5.** By-law number 432 of the corporation of the town of Parkdale for the issue of debentures to the amount of \$20,000 for the purposes in the next preceeding section mentioned is hereby confirmed. The said sum of \$20,000 shall be deemed and taken to be part of the sum of \$50,000 aforesaid. 5

Power to issue debentures for payment of subway.

**6.—(1)** The corporation of the town of Parkdale are hereby authorized and empowered from time to time, or at any one time, to pass a by-law or by-laws for the issue of debentures not exceeding in the whole the sum of \$20,000 for the purpose of paying all the expenses and liabilities of the said corporation in respect or on account of the Queen street subway, and from time to time to issue the said debentures to be payable at the expiration of twenty years from the date thereof, and to bear interest at the rate of five per cent. per annum payable half yearly. 10 15

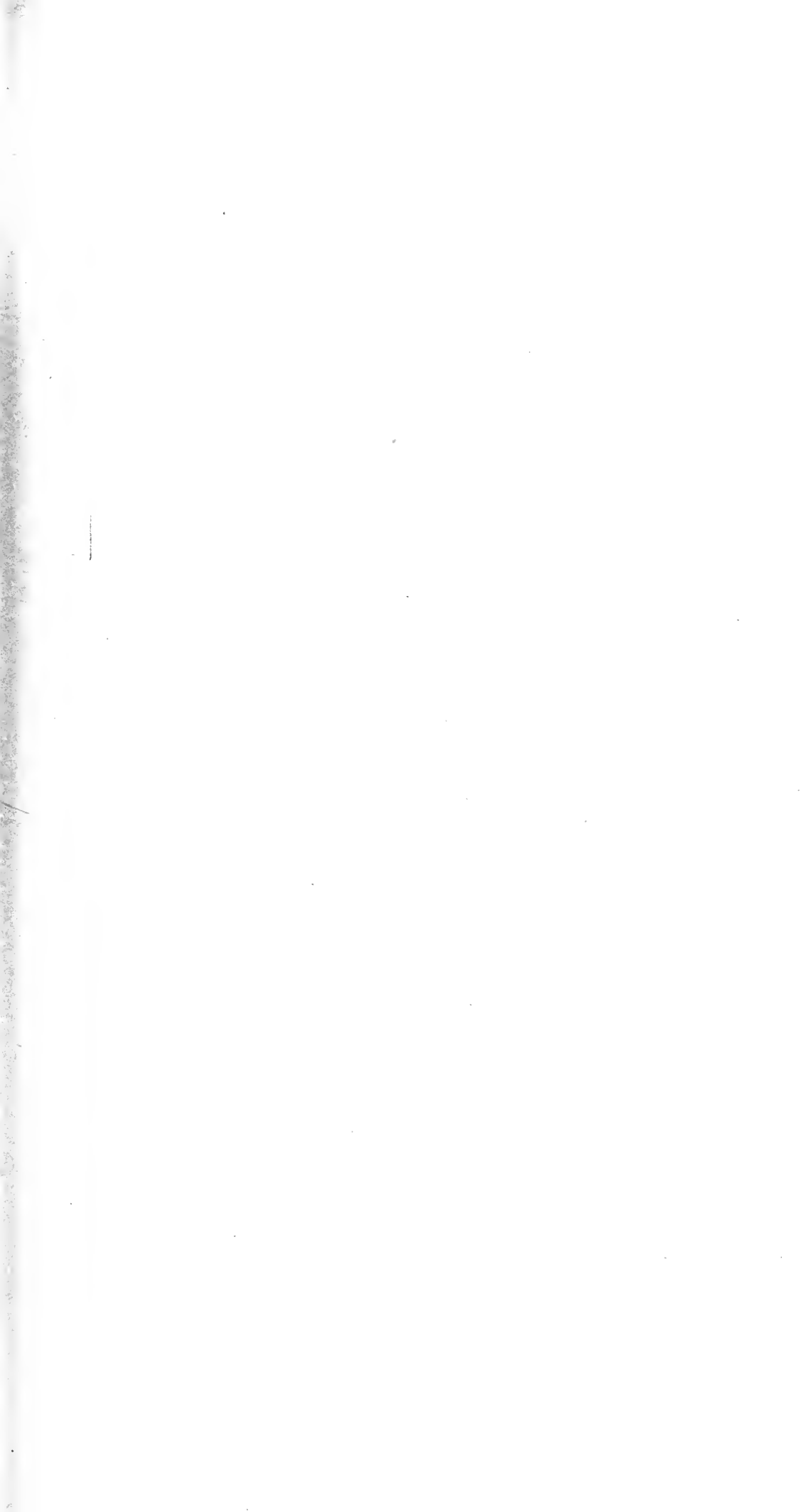
(2) The said by-law or by-laws shall settle a certain specific sum to be raised annually for the payment of the interest during the currency of the debentures; also a certain specific sum to be raised annually for the payment of the debt, such sum to be such as will be sufficient with the estimated interest on the investment thereof to discharge the debt when payable. 20

(3) In settling the sum to be raised annually for the payment of the debt the rate of interest on the investment shall not be estimated at more than five per centum per annum, to be capitalized yearly. 25

(4) The by-laws shall provide that such annual sum shall be raised and levied in each year by a rate sufficient therefor on all the ratable property in the municipality.

Change of assessment under drainage by-law 285 authorized.

**7.** The corporation of the town of Parkdale are hereby authorized to change the assessment under drainage by-law number 285, by assessing one-tenth of the cost of the drainage works on the lands in Schedules "A" and "B" in said by-law mentioned, and nine-tenths thereof on the lands in the said Schedule "B" mentioned, instead of assessing one-tenth on the lands in Schedule "A," and nine-tenths on the lands in Schedule "B," and to make all necessary adjustments, refunds and collections consequent upon such change. 30 35



BILL.

An Act respecting the Town of Parkdale

First Reading, , 1888.

(Private Bill.)

Mr. LEYS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



An Act to Provide for the Union of the Townships of  
Front of Yonge and Front of Escott.

WHEREAS, certain of the inhabitants and ratepayers of Preamble.

the townships of Front of Yonge and Front of Escott, in the county of Leeds, as well as the municipal councils of said townships, have by their petitions represented that it is expedient to unite the said townships of Front of Yonge and Front of Escott into one municipality, inasmuch as such union of the said townships will greatly promote the prosperity and convenience of their inhabitants; and whereas, it is expedient to grant the prayer of the said petitions:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Upon and after the last Monday in December, 1888, being the day when this Act shall come in force, the said townships of Front of Yonge and Front of Escott shall constitute and form one township under the name of the township of Front of Yonge and Escott, and the said territory shall thereafter be deemed one municipality for all municipal, school and other purposes whatsoever, in the same manner to all intents and purposes, and the inhabitants of said new township shall constitute and form a body corporate as provided by *The Municipal Act*, and such township and corporation thereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to other townships and corporations in the Province of Ontario.

2.—(1) The present municipalities of Front of Yonge and Front of Escott shall be responsible for their respective liabilities already incurred or that may be incurred previous to the time of their union into one municipality, and all such liabilities shall be discharged by the respective municipalities liable therefor prior to the said last Monday in December, 1888. Any surplus moneys remaining to either of the present municipalities after the payment of all debts, shall be handed over to the treasurer of the municipality hereby created, and such municipality shall, as soon as practicable, cause to be expended in local improvements within the respective territories forming the present townships an amount equal to the sum so paid in by each of such townships respectively.

(2) The town hall of the present township of Front of Escott, situate at the unincorporated village of Springfield, shall form an asset of the municipality hereby created, but may not be sold or otherwise disposed of by such municipality.

First election  
of council.

**3.** The first nomination for the election of municipal councillors for the said township of Front of Yonge and Escott shall take place on the said last Monday in December, 1888, and the polling (if any) at such election shall take place on the first Monday in January next thereafter; and the place for holding such nomination shall be where the last annual nomination of councillors for the township of Front of Yonge was holden, and the returning officer at such election shall be the township clerk of the present township of Front of Yonge. The polling sub-divisions of the present townships of Front of Escott and Front of Yonge shall be the polling sub-divisions for the first election to be holden in the municipality hereby created, and the township councils of the present townships of Front of Yonge and Front of Escott shall appoint the deputy returning officers for their respective townships. 5 15

Assessment  
roll of town-  
ship of Front  
of Escott to be  
furnished to  
returning  
officer.

**4.** The clerk of the said township of Front of Escott shall furnish to the returning officer of the said township of Front of Yonge and Escott, before the said election, a copy of its assessment roll for the year 1888.

Expenses of  
Act.

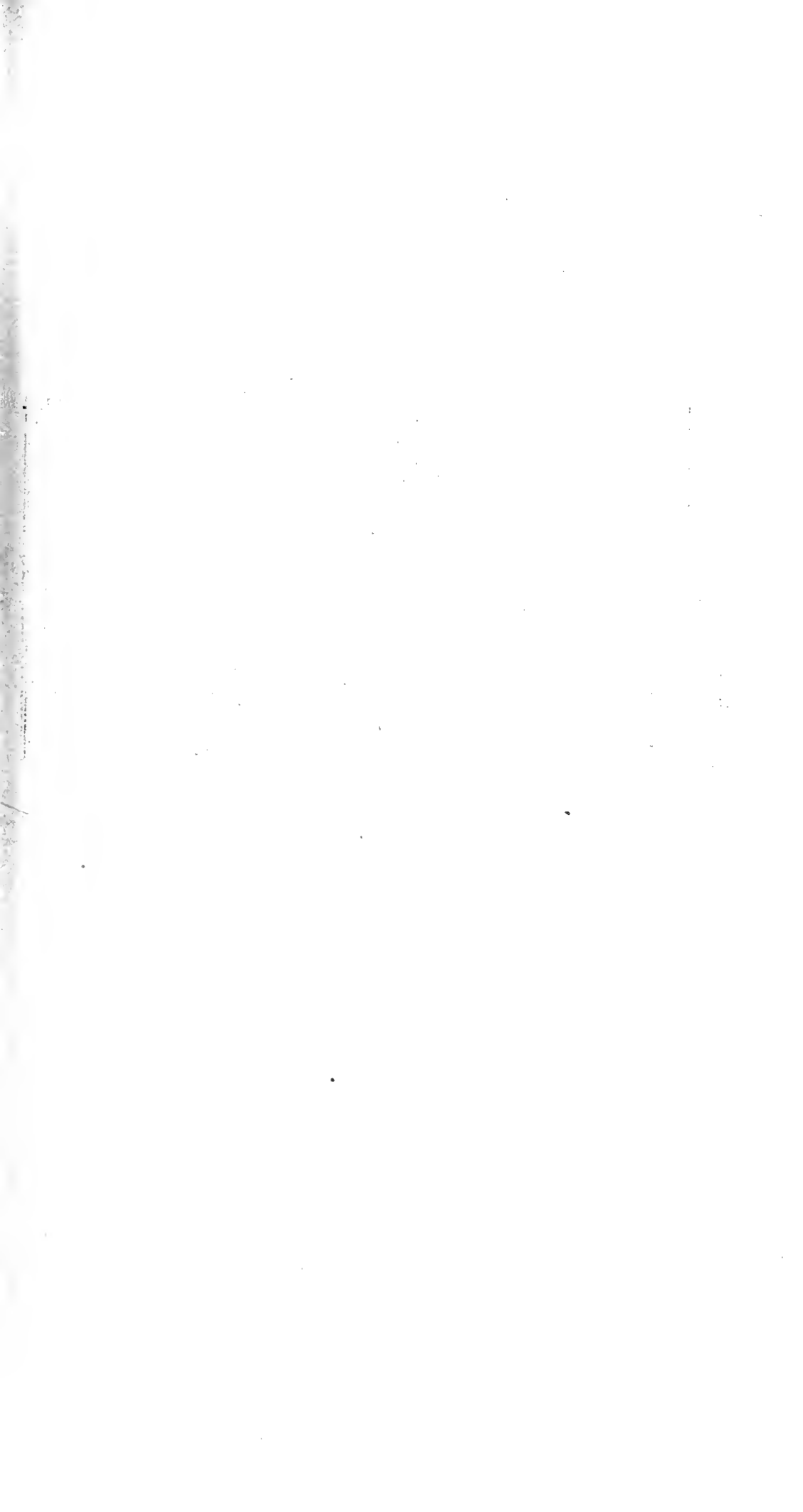
**5.** All expenses of and incidental to the obtaining of this Act shall be borne by the said townships of Front of Yonge and Front of Escott share and share alike. 20

Property  
vested in new  
municipality.

**6.** All the property and assets of the said two municipalities shall vest in the new municipality, and the said new municipality may take all steps necessary for the collection of all moneys owing to said municipalities and shall expend the same in manner provided in this Act in the municipality in which the same originally belonged. 25

Provision as to  
securities of  
officials.

**7.** Any and all bonds or securities given to either of said municipalities for the good behaviour or proper discharge of the duties of officials shall vest in the new municipality, which shall have full power to enforce the same. 30



2nd Session, 6th Legislature, 51 Vic, 1888.

BILL

An Act to provide for the Union of the  
Townships of Front of Yonge and Front  
of Escott.

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First Reading, 1888.

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(Private Bill.)

Mr. FRASER.

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TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Incorporate the Ottawa, Arnprior, and Renfrew Railway Company.

**W**HEREAS, the Honourable Francis Clemow, McLeod Stewart, and Frank McDougall, of Ottawa, Claude McLaehlin, James G. Cranston, and Robert G. Moles, of Arnprior, Alexander Barnet, and Aaron A. Wright, of Renfrew, John Gillies, of Braeside, in the township of McNab, Charles Mohr, of the township of Fitzroy, George E. Buckham, of the township of Tarbolton, Edward Armstrong, of the township of Huntley, and William H. Barrey, of the township of March, have, by their petition, represented that it is desirable that a railway should be constructed from the City of Ottawa to the village of Arnprior and from thence by way of Braeside to the village of Renfrew, and have prayed that they may be incorporated for the purpose of constructing and operating such railway; and whereas, it is expedient to grant the prayer of the said petition:

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:--

**1.** The Honourable Francis Clemow, McLeod Stewart, Frank McDougall, Claude McLaehlin, James G. Cranston, Robert G. Moles, Alexander Barnet, Aaron A. Wright, John Gillies, Charles Mohr, George E. Buckham, Edward Armstrong, and William H. Barrey, together with such other persons and corporations as shall become shareholders in the company hereby incorporated shall be and are hereby constituted a body corporate and politic by the name of "The Ottawa, Arnprior, and Renfrew Railway Company," hereinafter called the company.

Incorporation.

**2.** The said company, their agents and servants, shall have full power and authority to survey, lay out, construct, complete, equip, and operate a single or double line of railway from a point in or near the city of Ottawa, in the county of Carleton, to a point in the village of Arnprior, in the county of Renfrew, and from thence, by way of Braeside, to the village of Renfrew, in the said county of Renfrew, with full power to pass over any portion of the country between the points aforesaid, and to carry their railway through Crown lands, if any, lying between the said points.

Location of line.

**3.** The gauge of the said railway shall be four feet eight and one-half inches.

**4.** The company shall have full power to purchase, lease, or acquire at any point where their railway, or any branch thereof, touches or approaches within two miles of any navigable

Purchase of lands near navigable

rivers, and  
erection of  
warehouses,  
etc.

waters sufficient lands for the uses of the company, their railway, and vessels run or navigated in connection with said railway; and the company may erect warehouses, elevators, docks, wharves, stations, workshops, and such other buildings as may be necessary for the purposes of the company; and may lease or sell and convey such land as may be found superfluous for any such purposes; and shall also have full power to connect any of the works herein mentioned with any point on the railway or its branches by means of any line or lines of railway for such purpose.

Steamboats.

5. The company shall have power to purchase, build, sell, charter, own, and use scows, boats, steam or other vessels on any lake, river, or stream in this Province for the purpose of traffic in connection with the railway or any of its branches

Power to  
amalgamate  
with other  
companies.

6. The company is authorized and empowered to make necessary arrangements to contract and agree with the Grand Trunk Railway of Canada, the Canada Atlantic Railway Company, the Kingston and Pembroke Railway Company, or any or either of them, if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them provided that the terms of such amalgamation are approved of by two-thirds of the shareholders, voting either in person or represented by proxy, at a special general meeting to be held for that purpose in accordance with this Act.

Agreements  
with other  
companies.

7. The company shall have power to enter into and conclude any agreement with the Grand Trunk Railway of Canada the Canada Atlantic Railway Company, the Kingston and Pembroke Railway Company, or any or either of them, if lawfully authorized to enter into such agreement, for leasing to them, or any or either of them, the railway herein authorized or any part thereof, or for the working of the said railway, or for running powers over the same, or for leasing or acquiring running powers over the lines of the said railway companies, or any or either of them, or any part or parts thereof, or for leasing or hiring any locomotives, tenders, plant, rolling stock or other property, or touching any services to be rendered by the one company to the other and the compensation therefor, provided that the agreements shall be approved of by two-thirds of the shareholders voting, either in person or by proxy, at any special general meeting called for that purpose; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Proviso.

Telegraph and  
telephone  
lines.

8. For the purpose of constructing, working, and protecting the telegraph and telephone lines to be constructed by the company on their line of railway, the powers conferred on telegraph and telephone companies by the "Act respecting Electric Telegraph Companies" and other Acts are hereby conferred upon the company; and the other provisions of the said Acts for the working and protection of telegraph and telephone lines shall apply to any such telegraph and telephone lines constructed by the company.

9. The several clauses of *The Railway Act of Ontario* shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

10. The Honourable Francis Clemow, McLeod Stewart, Frank McDougall, Claude McLachlin, James G. Cranston, Robert G. Moles, Alexander Barnet, Aaron A. Wright, John Gillies, Charles Mohr, George Buckham, Edward Armstrong, and William H. Barrey are hereby constituted a board of provisional directors, under the provisions of this Act, by the shareholders; and shall have power to fill the place or places of any of their number which may become vacant, and to open stock books, and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors as hereinafter provided, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors; and such provisional directors, may appoint a committee from their number to open such stock books and to receive such subscriptions, and the said committee, or a majority of them, may, in their discretion, exclude any person from subscribing.

11. The capital stock of the company hereby incorporated shall be \$1,000,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into ten thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act.

12. When and as soon as shares to the amount of \$50,000 of the capital stock of the company shall have been subscribed, and ten per cent. shall have been paid into one of the chartered banks of the Dominion having an office in the Province of Ontario, (which shall on no account be withdrawn therefrom unless for the service of the company) the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in a newspaper published in the city of Ottawa, and in a newspaper published in the village of Arnprior, and in the *Ontario Gazette*, of the time, place and object of such meeting, and at such general meeting, the shareholders present either in person or by proxy, and who shall, at the opening of such meeting, have paid ten per centum on the stock subscribed by them shall elect not less than seven, nor more than nine, persons, to

be directors of the company in manner and qualified as hereinafter directed; and such directors shall constitute a board of directors, and shall hold office until the next general annual meeting.

Power of directors to exclude persons from subscribing for stock.

**13.** The provisional or elected directors of the company may, in their discretion, exclude any one from subscribing for stock in the said company or rescind the subscription and return the deposit of any person if they are of the opinion that such person would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if, at any time, more than the whole stock shall have been subscribed, the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said railway. 5 10 15

Allotment of stock.

**14.** It shall be lawful for the directors in procuring subscriptions for stock, to allot such stock in such amounts and subject to the payment of such calls, and at such times, and at such discount as they may think fit, or they may agree for the sale of such stock, or any part thereof, at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription, or by instalments, and the amount of every such instalment as, and when payable, shall be deemed to be money due in respect of a call duly made in accordance with the provisions contained in section 27 of *The Railway Act of Ontario*, and non-payment of any such instalment shall carry with it all the rights, incidents, and consequences as mentioned in the said Act, as in the case of a call due by a shareholder on a share. 20 25 30

Power to make certain payments in paid up stock.

**15.** The said provisional directors, or elected directors, may pay or agree to pay in paid up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreements so made shall be binding on the company. 35 40

Annual meetings.

**16.** The general annual meeting of the shareholders of the company shall be held in such place in the city of Ottawa, or at such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previous in the *Ontario Gazette*, and once a week in one newspaper published in the city of Ottawa, and in one newspaper published in the village of Arnprior during the four weeks preceding the week in which such meeting is to be held. 45 50



17. Special general meetings of the shareholders of the company may be held at such place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided by the 5 last preceding section. Special meetings.

18. Every holder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him ; and no shareholder shall be entitled to vote on any matter whatever unless 10 all calls due on the stock, upon which such shareholder seeks to vote, shall have been paid up before the day appointed for such meeting. Votes.

19. In the election of directors, no person shall be elected a director unless he shall be the holder and owner of at least ten 15 shares of the stock of the company, upon which all calls have been paid up. Qualification of directors.

20. Aliens and companies incorporated abroad as well as British subjects and corporations, and whether resident in this province or elsewhere, may be shareholders in the company, 20 and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company. Rights of Aliens.

21. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, 25 five directors shall form a quorum for the transaction of business ; and the said board of directors may employ and pay one of their number as managing director. Quorum of directors.

22. Any municipality, through which the said railway may pass, is empowered to grant, by way of gift to the company, 30 any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway ; and the company shall have power to accept gifts of land from any government or any person, or any 35 body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the company. Grants of land to company.

23. The company shall have power to purchase and hold such land as may be required for the purpose of building 40 thereon storehouses, warehouses, engine-houses, and other erections for the use of the said company, and the same or any portion thereof, in their discretion, to sell or convey, and also to make use for the purpose of said railway, of any stream or watercourse at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing 45 the usefulness of such stream or watercourse. Power to hold additional property.

24. The company may receive from any Government, or from any person or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway 50 by way of bonus, gift or loan, or by way of guarantee upon such terms and conditions as may be agreed upon. Aid to company.

Right to use highways.

**25.** It shall and may be lawful for any municipality, through which said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint stock company; then also with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may, from time to time, deem expedient with any municipality, corporation, or person for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway. 5 10

Exemption from taxes.

**26.** It shall and may further be lawful for the council of any municipality, through which any part of the said railway passes or is situate by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either wholly or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein. 15 20 25

Aid from Municipalities.

**27.** Any municipality through any part of which or near which the railway or works of the company shall pass or be situate, may aid the company by giving money or debentures by way of bonus or gift, or may aid the company by way of loan or by the guarantee of the municipal corporation, provided always that such aid shall not be given except after the passing of a by-law for the purpose in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. 30 35

Proviso.

Power to acquire more land than is required for use of railway.

**28.** Whenever it shall be necessary, for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands and also the right of way thereto if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. 40 45

Acquiring gravel, etc., for construction or maintenance of railway.

**29.** When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial land surveyor to make a plan and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of the arbitra- 50 55

tion, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which such material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

**30.**—(1) When said gravel, stone, or other material shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply.

**31.** The company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of the said railway, and to erect and maintain snow-fences thereon subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow-fences so erected shall be removed on or before the first day of April following.

**32.** The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100; and any such promissory note or bill of exchange made, accepted, or endorsed by the president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same unless the said promissory notes or bills of

exchange have been issued without the sanction and authority of the directors, as herein provided and enacted ; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank. 5

Bonds.

**33.** The directors of the company, after the sanction of the shareholders shall have been first obtained, at any regular annual meeting, or any special general meeting called for that purpose, shall have power to issue bonds or debentures made and signed by the president or vice-president of the company and countersigned by the secretary, under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds and debentures shall, without registration or formal conveyance, be taken and considered to be the first and preferential claim and charge upon the undertaking and real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of the said bonds or debentures shall be deemed a mortgagee and incumbrancer *pro-rata* with all the other holders thereof, upon the undertaking and property of the company as aforesaid, and the company may by by-law, before issue, fix and define the amount or denomination of such bonds or debentures, the time or times and the place or places for payment of the principal moneys thereof and the interest thereon, and other particulars in reference thereto ; provided, however, that the whole amount of such issue of bonds or debentures shall not exceed \$15,000 per mile for each and every mile of railway by this Act authorized to be built ; and provided that in the event at any time of the interest upon the said bonds or debentures remaining unpaid and owing, then at the next ensuing general meeting of the company, and at all subsequent general meetings, so long as such interest, or any part thereof, shall remain unpaid and in arrear, all holders of bonds or debentures shall have and possess the same rights and privileges and qualifications for directors and for voting and for all purposes as are attached to shareholders ; provided that the holder of any bonds or debentures shall, at least three days before any such meeting, produce the bonds or debentures held by him to the secretary of the company for registration in the holder's name, and it shall be the duty of the secretary to do so on being so required by any holder thereof. 10  
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Proviso.

Proviso.

Proviso.

Pledging stock.

**34.** The company may, from time to time, for advances of money, pledge any stock, debentures or bonds, which under the powers of this Act can be issued for the construction of the railway or otherwise. 45

Power to collect back charges on goods.

**35.** The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the persons to whom such charges were originally due, had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. 50  
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36. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect shall be sufficient conveyances to the said company, their successors and assigns of the estate, or interest and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Form of conveyances.

37. The company is hereby authorized and empowered to take and make surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor as far as then ascertained, and also the book of reference for the railway and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys" by sections or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every one of the clauses of the said railway Act and the amendments thereof, applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said railway Act and the amendments thereof with respect to "plans and surveys."

Power to build railway by sections.

38. The railway shall be commenced within three years and completed within seven years after the passing of this Act.

Commencement and completion of railway.

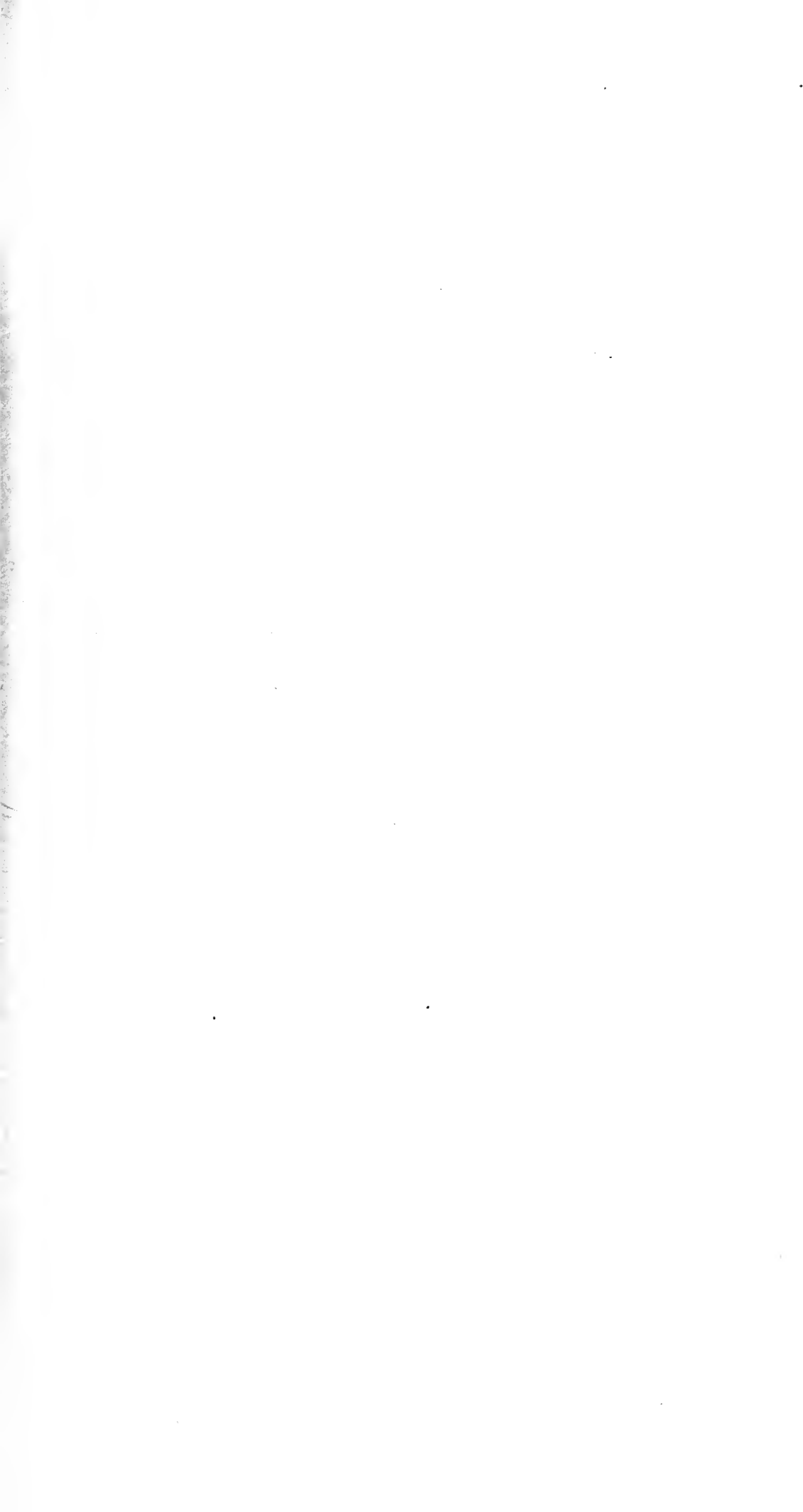
#### SCHEDULE A.

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by the Ottawa, Arnprior and Renfrew Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be,) of land (describe the land), the same having been selected and laid out by the said

company for the purposes of its railway, to hold with the appurtenances unto the said the Ottawa, Arnprior and Renfrew Railway Company, their successors and assigns, (here insert any other clauses, conditions and covenants required) and I (or we) wife (or wives) of the said do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals), this day of 18 .

Signed, sealed and delivered }  
in the presence of }

L. S. 10







An Act to incorporate the Ottawa, Arnprior, and  
Renfrew Railway Company.

WHEREAS the Honourable Francis Clemow, McLeod <sup>Preamble.</sup>

Stewart, and Frank McDougall, of Ottawa, Claude  
McLachlin, James G. Cranston, and Robert G. Moles, of Arn-  
prior, Alexander Barnet, and Aaron A. Wright, of Renfrew,  
5 John Gillies, of Braeside, in the township of McNab, Charles  
Mohr, of the township of Fitzroy, George E. Buckham, of the  
township of Tarbolton, Edward Armstrong, of the township  
of Huntley, and William H. *Berry*, of the township of March,  
have, by their petition, represented that it is desirable that a  
10 railway should be constructed from the City of Ottawa to the  
village of Arnprior and from thence by way of Braeside to  
the village of Renfrew, and have prayed that they may be  
incorporated for the purpose of constructing and operating  
such railway ; and whereas it is expedient to grant the prayer  
15 of the said petition :

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. The Honourable Francis Clemow, McLeod Stewart, Frank <sup>Incorporation.</sup>  
20 McDougall, Claude McLachlin, James G. Cranston, Robert G.  
Moles, Alexander Barnet, Aaron A. Wright, John Gillies, Charles  
Mohr, George E. Buckham, Edward Armstrong, and William H.  
*Berry*, together with such other persons and corporations as  
shall become shareholders in the company hereby incorporated  
25 shall be and are hereby constituted a body corporate and politic  
by the name of "The Ottawa, Arnprior, and Renfrew Railway  
Company," hereinafter called the company.

2. The said company, their agents and servants, shall have <sup>Location of</sup>  
full power and authority to survey, lay out, construct, com- <sup>line.</sup>  
30 plete, equip, and operate a single or double line of railway from  
a point in or near the city of Ottawa, in the county of Carle-  
ton, to a point in the village of Arnprior, in the county of  
Renfrew, and from thence, by way of Braeside, to the village  
of Renfrew, in the said county of Renfrew, with full power to  
35 pass over any portion of the country between the points afore-  
said, and to carry their railway through Crown lands, if any,  
lying between the said points.

3. The gauge of the said railway shall be four feet eight Gauge.  
and one-half inches.

40 4. The company shall have full power to purchase, lease, or <sup>Purchase of</sup>  
acquire at any point where their railway, or any branch thereof, <sup>lands near</sup>  
touches or approaches within two miles of any navigable <sup>navigable</sup>

rivers, and  
erection of  
warehouses,  
etc.

waters sufficient lands for the uses of the company, their railway, and vessels run or navigated in connection with said railway; and the company may erect warehouses, elevators, docks, wharves, stations, workshops, and such other buildings as may be necessary for the purposes of the company; and may sell and convey such land as may be found superfluous for any such purposes; and shall also have full power to connect any of the works herein mentioned with any point on the railway or its branches by means of any line or lines of railway for such purpose.

Power to purchase and work vessels in connection with the railway.

**5.** It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair, steam or other vessels, from time to time to ply on the lakes, rivers and canals of this Province, in connection with the said railway; and also to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals, in connection with the said railway.

Power to amalgamate with other companies.

**6.** The company is authorized and empowered to make necessary arrangements to contract and agree with the Grand Trunk Railway of Canada, the Canada Atlantic Railway Company, the Kingston and Pembroke Railway Company, or any or either of them, if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds of the shareholders, voting either in person or represented by proxy, at a special general meeting to be held for that purpose in accordance with this Act.

Agreements with other companies.

**7.** The company shall have power to enter into and conclude any agreement with the Grand Trunk Railway of Canada the Canada Atlantic Railway Company, the Kingston and Pembroke Railway Company, or any or either of them, if lawfully authorized to enter into such agreement, for leasing to them, or any or either of them, the railway herein authorized or part thereof, or for the working of the said railway, or for running powers over the same, or for leasing or acquiring running powers over the lines of the said railway companies, or any or either of them, or any part or parts thereof, or for leasing or hiring any locomotives, tenders, plant, rolling stock, or other property, or touching any services to be rendered by the one company to the other and the compensation therefor, provided that the agreements shall be approved of by two-thirds of the shareholders voting, either in person or by proxy, at any special general meeting called for that purpose; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Proviso.

Telegraph and telephone lines.

Rev. Stat. c. 158.

**8.** For the purpose of constructing, working, and protecting the telegraph and telephone lines to be constructed by the company on their line of railway, the powers conferred on telegraph and telephone companies by *The Act respecting Electric Telegraph Companies*, are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph and telephone lines shall apply to any such telegraph and telephone lines constructed by the company.

9. The several clauses of *The Railway Act of Ontario* shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

10. The Honourable Francis Clemow, McLeod Stewart, Frank McDougall, Claude McLachlin, James G. Cranston, Robert G. Moles, Alexander Barnett, Aaron A. Wright, John Gillies, Charles Mohr, George Buckham, Edward Armstrong, and William H. Berry, with power to add to their number, are hereby constituted a board of provisional directors of the company, and shall hold office as such until other directors are elected, under the provisions of this Act, by the shareholders; and shall have power to fill the place or places of any of their number which may become vacant, and to open stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors as hereinafter provided, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors; and such provisional directors may appoint a committee from their number to open such stock books and to receive such subscriptions, and the said committee, or a majority of them, may, in their discretion, exclude any person from subscribing.

11. The capital stock of the company hereby incorporated shall be \$1,000,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into ten thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act.

12. When and as soon as shares to the amount of \$50,000 of the capital stock of the company shall have been subscribed, and ten per cent. thereof shall have been paid into one of the chartered banks of the Dominion having an office in the Province of Ontario, (which shall on no account be withdrawn therefrom unless for the service of the company) the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a general meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in a newspaper published in the city of Ottawa, and in a newspaper published in the village of Arnprior, and in the *Ontario Gazette*, of the time, place and object of such meeting, and at such general meeting, the shareholders present either in person or by proxy, and who shall, at the opening of such meeting, have paid ten per centum on the stock subscribed by them,

shall elect not less than seven, nor more than nine, persons, to be directors of the company in manner and qualified as hereinafter directed, *which said* directors shall constitute a board of directors, and shall hold office until the next general annual meeting.

5

Power of directors to exclude persons from subscribing for stock.

**13.** The provisional or elected directors of the company may, in their discretion, exclude any one from subscribing for stock in the said company or rescind the subscription and return the deposit of any person if they are of the opinion that such person would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if, at any time, more than the whole stock shall have been subscribed, the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said railway.

Allotment of stock.

**14.** It shall be lawful for the directors in procuring subscriptions for stock, to allot such stock in such amounts and subject to the payment of such calls *of such amount* and at such times, and at such discount as they may think fit, or they may agree for the sale of such stock, or any part thereof, at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription, or by instalments, and the amount of every such instalment as, and when payable, shall be deemed to be money due in respect of a call duly made in accordance with the provisions contained in section 35 of *The Railway Act of Ontario*, and non-payment of any such instalment shall carry with it all the rights, incidents, and consequences as mentioned in the said Act, as in the case of a call due by a shareholder on a share.

Rev. Stat. c. 170.

Power to make certain payments in paid up stock.

**15.** The said provisional directors, or elected directors, may pay or agree to pay in paid up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreements so made shall be binding on the company.

Annual meetings.

**16.** The general annual meeting of the shareholders of the company shall be held in such place in the city of Ottawa, or at such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previous in the *Ontario Gazette*, and once a week in one newspaper published in the city of Ottawa, and in one newspaper published in the village of Arnprior during the four weeks preceding the week in which such meeting is to be held.

50

17. Special general meetings of the shareholders of the company may be held at such place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided by the 5 last preceding section. Special meet-ings.

18. Every holder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless 10 all calls due on the stock, upon which such shareholder seeks to vote, shall have been paid up *at least one week* before the day appointed for such meeting. Votes.

19. In the election of directors *under this Act*, no person shall be elected a director unless he shall be the holder and 15 owner of at least ten shares of the stock of the company, upon which all calls have been paid up. Qualification of directors.

20. Aliens and companies incorporated abroad as well as British subjects and corporations, and whether resident in this Province or elsewhere, may be shareholders in the company, 20 and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company. Rights of Aliens.

21. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, 25 five directors shall form a quorum for the transaction of business; and the said board of directors may employ and pay one of their number as managing director. Quorum of directors.

22. Any municipality, through which the said railway may pass, is empowered to grant, by way of gift to the company, 30 any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the company shall have power to accept gifts of land from any government or any person, or any 35 body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the company. Grants of land to company.

23. The company shall have power to purchase and hold such land as may be required *at each extremity of the said railway*, 40 for the purpose of building thereon storehouses, warehouses, engine-houses, and other erections for the uses of the said company, and the same or portions thereof, in their discretion, to sell or convey, and also to make use for the purpose of said railway, of any stream or watercourse at or near which the said railway passes, doing, however, no unnecessary damage 45 thereto, and not impairing the usefulness of such stream or watercourse. Power to hold additional property.

24. The company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who 50 may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway by way of bonus, gift or loan, *in money or debentures, or other securities for money*, or by way of guarantee upon such terms and conditions as may be agreed upon. Aid to company.

Right  
to use high-  
ways.

**25.** It shall and may be lawful for any municipality, through which said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint stock company; and if such highway be either in the possession of, or under the control of any joint stock company then also with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may, from time to time, deem expedient with any municipality, corporation, or person for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway.

Exemption  
from taxes.

**26.** It shall and may further be lawful for the council of any municipality, through which any part of the said railway passes or is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either wholly or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Aid from Mu-  
nicipalities.

**27.** Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus or gift, or may aid the said company by way of loan or by guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Provisions as  
to bonus by-  
laws.

**28.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

**1.** The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters.

**2.** In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act*.

3. In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, as aforesaid.

4. In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality being duly qualified voters as aforesaid.

29. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground, ought not to be included therein; and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended then by the company or the county, as the arbitrators may order.

Provisions for referring to arbitration, disputes as to bonus by-laws.

30. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit for expenses.


31. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law, provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Rate not exceeding three cents in the dollar valid.


32. Such by-law shall in each case provide :—

By-law, what to contain.


1. For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

**2.** For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.  5


"Minor municipality," meaning of.

**33.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.  10


If by-law carried council to pass same,

**34.** In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same, shall read the said by-law a third time and pass the same.  15


And issue debentures.

**35.** Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof, shall issue the debentures provided for by the by-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act.  20


Levying rate on portion of a municipality.

**36.** In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.  25


Application of municipal Acts as to by-laws.

**37.** The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.  30


Extension of time for commencement.

**38.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.  35 40


Extension of time for completion.



**39.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time, provided that no such extension shall be for a longer period than one year.  45



Trustees of debentures.

**40.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law, authorizing the same  50



be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then, in either case the company shall be at liberty to name such other trustee or trustees; any of the said trustees may be removed and a new trustee appointed in his stead at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council. 

 **41.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Ottawa, Arnprior and Renfrew Railway Municipal Trust Account," and to pay the same out to the said company, from time to time, as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500 recoverable in any Court of competent jurisdiction by any person who may sue therefor. 

 **42.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. 

**43.** Whenever it shall be necessary, for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands and also the right of way thereto if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring gravel, etc., for construction or maintenance of railway.

**44.** When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial land surveyor to make a *map* and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of the arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway, 5 and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter 15 of this section, as to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which such material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case 20 arbitration is resorted to, to state the interest required.

Rev. Stat. c. 170.

Sidings to gravel pits, etc.

**45.**—(1) When said gravel, stone, or other material shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain 25 the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the rail- 35 way is constructed, for the purpose of repairing and maintaining the said railway.

Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel stone, earth, or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply. 40

Snow-fences.

**46.** The company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of the said railway, and to erect and maintain snow-fences 45 thereon subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow-fences so erected shall be removed on or before the first day of April following. 50

Negotiable instruments.

**47.** The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100; and any such promissory note or bill of exchange made, accepted, or endorsed by the president of the

company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have  
 5 been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same unless the said promissory notes or bills of  
 10 exchange have been issued without the sanction and authority of the directors, as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as  
 15 money or as the notes or bills of a bank.

48. The directors of the company, after the sanction of Bonds.  
 the shareholders shall have been first obtained, at any annual  
*general* meeting, or any special general meeting called for that  
 purpose, shall have power to issue bonds made and signed by  
 20 the president or vice-president of the company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and  
 25 preferential claim and charge upon the undertaking and real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon  
 30 the undertaking and property of the company as aforesaid, and the company may by by-law, before issue, fix and define the amount or denomination of such bonds, the time or times and the place or places for payment of the principal moneys thereof and the interest thereon, and other particulars in reference  
 35 thereto; provided, however, that the whole amount of such Proviso.  
 issue of bonds shall not exceed \$15,000 per mile for each and every mile of railway by this Act authorized to be built; and provided that in the event at any time of the interest upon the  
 40 said bonds remaining unpaid and owing, then at the next ensuing general meeting of the company, and at all subsequent general meetings, so long as such interest, or any part thereof, shall remain unpaid and in arrear, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting and for all purposes  
 50 as are attached to shareholders; provided further that the Proviso.  
 holder of any *bond or* bonds shall, at least three days before any such meeting, produce the bonds held by him to the secretary of the company for registration in the holder's name, and it shall be the duty of the secretary *of the company to*  
 55 *register the same* on being so required by any holder thereof.

49. The company may, from time to time, for advances of money, pledge any stock, debentures or bonds, which under the powers of this Act can be issued for the construction of the railway or otherwise. Pledging stock.

60 50. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back Power to collect back charges on goods.

charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due, had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. 5

Form of conveyances.

51. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set forth in schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate, or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof. 10 15

Power to build railway by sections.

52. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor as far as then ascertained, and also the book of reference for the railway and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys" by sections or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every one of the clauses of the said railway Act and the amendments thereof, applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said railway Act and the amendments thereof with respect to "plans and surveys." 20 25 30 35 40 45

Rev. Stat. c. 170.

Commencement and completion of railway.

53. The railway shall be commenced within three years and completed within seven years after the passing of this Act.

#### SCHEDULE A.

(Section 51).

Know all men by these presents, that I (or we) (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by the Ottawa, Arnprior

and Renfrew Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be,*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said the Ottawa, Arnprior and Renfrew Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (or wives) of the said \_\_\_\_\_ do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals), this \_\_\_\_\_ day of 18

Signed, sealed and delivered }  
in the presence of }

L. S.

SCHEDULE B.


(SECTION 41.)

*Chief Engineer's Certificate.*

OTTAWA, ARNPRIOR AND RENFREW RAILWAY  
COMPANY'S OFFICE.

No. \_\_\_\_\_ Engineer's Department, A.D., 18

Certificate to be attached to cheques drawn on the Ottawa Arnprior and Renfrew Railway Company Municipal Trust Account, given under section \_\_\_\_\_ chapter \_\_\_\_\_ of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A.B., Chief Engineer for the Ottawa, Arnprior and Renfrew Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. \_\_\_\_\_ of the township of \_\_\_\_\_ (or under the agreement dated the \_\_\_\_\_ day of \_\_\_\_\_ between the corporation of \_\_\_\_\_ and the said company) to entitle the said company to receive from the said trust the sum of \_\_\_\_\_ (*here set out the terms and conditions, if any, which have been fulfilled*). 

BILL.

An Act to incorporate the Ottawa, Amprior  
and Renfrew Railway Company.

*Reprinted as amended by Railway  
Committee.*

First Reading, 17th Feb., 1888.

(Private Bill.)

Mr. Moxk.

TORONTO:

PRINTED BY WARWICK & SOXS, 25 AND 28 FROST ST. W.

An Act to legalize a certain By-Law of the Town of  
Sault Ste. Marie.

**W**HEREAS, the corporation of the town of Sault Ste. Marie <sup>Preamble</sup>  
by their petition have represented that on the 28th day  
of December, 1887, they did pass a By-Law numbered  
5 granting a bonus of \$20,000 to the Canadian Pacific Railway  
Company, and authorizing the issuing of debentures therefor  
after the said by-law had been duly approved by the rate-  
payers ; and whereas, to avoid any doubt as to the validity of  
the by-law, and as to the authority of the town to issue the  
debentures therein authorized, the corporation have prayed  
10 that an Act may be passed to render the said by-law valid  
and legal ; and whereas, it is expedient to grant the prayer of  
the said petition ;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
15 as follows:—

1. The aforesaid By-Law No.                      of the municipal <sup>By-Law con-</sup>  
council of the corporation of the town of Sault Ste. Marie is <sup>firm.</sup>  
hereby confirmed and declared legal and valid to all intents  
and purposes, and the debentures issued under said by-law  
20 are hereby declared valid and binding upon the said corpora-  
tion of the town of Sault Ste. Marie and the ratepayers  
thereof.

BILL.

An Act to legalize a certain By-Law of the  
Town of Sault Ste. Marie.

First Reading,	1888.
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(Private Bill)

Mr. LEYS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



## An Act to incorporate the Village of Chester.

**W**HEREAS, John Cudmore and others by their petition Preamble.  
 have represented that the territory included within the  
 limits hereinafter mentioned is situated nearer to the business  
 centre of the city of Toronto than is the town of Parkdale or  
 5 the village of West Toronto Junction, and that the said territory  
 is rapidly filling up with population and requires a system of  
 drainage and other sanitary improvements, the opening,  
 extension and maintenance of streets, additional school accom-  
 10 to obtain without separate incorporation, and many of which  
 will become more expensive if such incorporation is delayed;  
 and whereas, the said petitioners have prayed that the said  
 territory may be incorporated accordingly; and whereas, it is  
 expedient to grant the prayer of the said petition;  
 15 Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

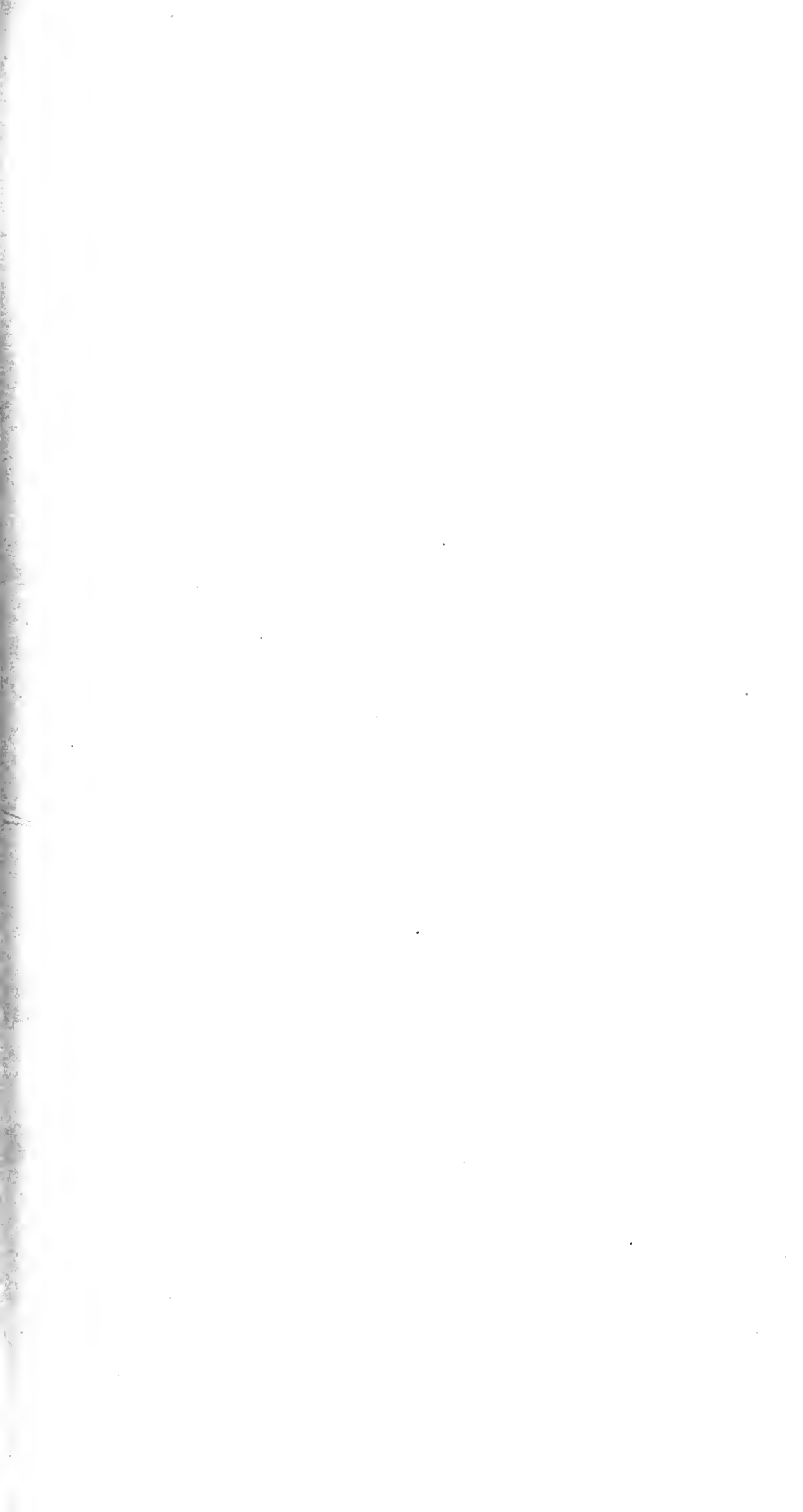
1. The following territory is hereby separated from the Incorporation  
and bounda-  
aries.  
 township of York, and shall hereafter form the village of  
 20 Chester:—all and singular that certain parcel or tract of land and  
 premises situate, lying and being in the township of York, in  
 the county of York, and Province of Ontario, being composed  
 of parts of lots 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 in concession  
 two from the bay in the said township, and that part of lot 11  
 25 in concession three from the bay in said township, lying to the  
 south of the northerly bank of the river Don, and which said  
 parcel of land is more particularly described as follows—com-  
 mencing at the intersection of the westerly production of the  
 northerly limit of Danforth avenue with the westerly bank of  
 30 the river Don, thence easterly along said westerly production  
 and along said northerly limit to a point distant three hundred  
 feet measured easterly along the last mentioned limit from its  
 intersection with the northerly production of the easterly  
 limit of Greenwood Avenue; thence northerly parallel to the  
 35 easterly limits of said lots 11, 12, 13, 14 and 15 to the north-  
 erly bank of the river Don; thence south-westerly along the  
 said northerly bank to its intersection with the northerly limit  
 of the allowance for a road between said concessions two and  
 three; thence in a general westerly direction along the said  
 40 northerly limit of road allowance where the same lies to the  
 north of said northerly bank of river and along the said  
 northerly bank of river where the same lies to the north of  
 said road allowance to the easterly limit of lot 16 in said con-  
 cession two; thence in a general southerly direction along the  
 45 line of the easterly limits of lots 16, 17, 18, 19 and 20 in said  
 concession two, where the said line of east limit of lots lies to

the west of the westerly bank of the river Don and along said westerly bank of the river Don where the same lies to the west of the said line of east limit of lots 16, 17, 18, 19 and 20 to the place of beginning.

**First election.**     **2.** An election of a reeve and four councillors to form the first council of the said village shall be held forthwith after the passing of this Act by Mr. who shall act as returning officer and shall appoint the time and place of holding such election. **5**

**Qualification of electors at first election.**     **3.** The persons entitled to vote at such first election shall be those described in sections 83 and 84 of *The Municipal Act* substituting the word "person" for the words "resident male inhabitant," in section 83. **10**

**Qualification of reeve and councillors.**     **4.** At such first election any person shall be entitled to be elected as reeve or councillor of the said village who possesses the qualifications mentioned in section 73 of *The Municipal Act*, substituting the words "in the said" for the words "rated in his own name or in the name of his wife on the last revised assessment roll of the said," and the word "possession" for "occupation," in lines six, seven and eight from the end of the said section. **15** **20**



BILL.

An Act to incorporate the Village of  
Chester.

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First Reading,                      1888.

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(Private Bill.)

Mr. SMITH.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to consolidate certain debts and to extend  
the limits of the Village of London West.

**W**HEREAS, the municipal council of the corporation of the village of London West, have, by their petition represented that the said corporation has a debenture debt of \$20,000 and has a floating debt of \$5,000 and upwards which has been incurred in addition to the ordinary expenses of the said village, in consequence of the annual damage to the village by the waterworks dam erected and maintained by the city of London, and the protracted litigation for the removal thereof, and that the imposition of a rate of twenty-three mills on the dollar has not been sufficient to materially reduce the said floating indebtedness, and that the payment of such floating indebtedness otherwise than by borrowing the money to do so by the issue of debentures, would be oppressive to the rate-payers, and have, therefore, prayed that the said corporation be authorized to issue debentures to pay off the said floating indebtedness; and whereas, the said council have, by their said petition, set forth that the said village lies between the city of London and the township of London, and that the residents of adjacent lands of the said township practically depend upon the said village for all municipal improvements benefiting them and for school purposes, and the value and utility of the said land in the township is dependent upon the municipal improvements for roads and breakwaters made and to be made by the said village, and that portions of the said adjacent land hereinafter described, have been laid out into building lots and sold as such and that the whole of the said adjacent land in the said township from the proximity of streets and the future exigencies of the said village, should form part thereof, and have prayed that the limits of the said village should be extended to include those portions of the first and second concessions of the township of London lying east and south of a line commencing at the river Thames on Francis street, thence north along Francis street to Mount Pleasant avenue, thence east along said avenue to the eastern limit of the Mount Pleasant cemetery, thence north along said limit and the eastern limit of park lot six, to Oxford street, thence east along Oxford street to Platt street; and whereas, it is expedient to grant the prayers of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. For the purpose of providing funds to meet and pay the said floating indebtedness of \$5,000, it shall be lawful for the said corporation of the village of London West, to raise by

Issue of debentures for \$5,000 authorized.

way of loan upon the credit of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province or elsewhere, who may be willing to lend the same, a sum not exceeding \$5,000.

- Power to pass by-law authorizing loan. 2. The said corporation may pass a by-law authorizing the said loan of \$5,000, and the issuing debentures therefor and such by-law shall not require to be submitted for and to receive the assent of the electors of the said village for the final passing thereof, but the other provisions of *The Municipal Act* shall apply thereto. 5
- Rev. Stat. c. 184. 3. The money to be borrowed as aforesaid shall be applied by the said corporation in payment of the said floating indebtedness mentioned in the preamble to this Act. 10
- Irregularities of form not to invalidate debentures. 4. No irregularity in the form of the said debentures or of the by-law authorizing the issue thereof shall render the same invalid, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures or the application of the proceeds thereof. 15
- Limits extended. 5. The limits of the said village of London West are hereby extended and shall hereafter comprise those portions of the township of London situate east of Francis street and south of Mount Pleasant avenue, and situate east of the Mount Pleasant cemetery, which is composed of park lots numbers one, two, three, four and five on the east side of Francis street and east of park lot number six on the south side of Oxford street, and south of said Oxford street, and the boundaries of the said village shall hereafter be on the south and east by the river Thames, and on the west and north by Francis street, Mount Pleasant avenue, the eastern limits of park lots numbers one, two, three, four and five on east side of Francis street, the eastern limit of park lot number six on the south side of Oxford street, the said Oxford street, Platt street, Grosvenor street and the Wharnclyffe highway, otherwise called the Proof Line road. 25  
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2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL.

An Act to consolidate certain debts and to extend the limits of the Village of London West

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First Reading	1888.
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(Private Bill.)

Mr. TOOLEY.

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TORONTO:

PRINTED BY WARWICK & SON, 26 AND 28 FRONT ST. W.



An Act to consolidate certain debts of the Village  
of London West.

**W**HEREAS the municipal council of the corporation of the village of London West, have, by their petition represented that the said corporation has a debenture debt of \$20,000 and has a floating debt of \$5,000 and upwards which has been incurred in addition to the ordinary expenses of the said village, in consequence of the annual damage to the village by the waterworks dam erected and maintained by the city of London, and the protracted litigation for the removal thereof, and that the imposition of a rate of twenty-three mills on the dollar has not been sufficient to materially reduce the said floating indebtedness, and that the payment of such floating indebtedness otherwise than by borrowing the money to do so by the issue of debentures, would be oppressive to the rate-payers, and have, therefore, prayed that the said corporation be authorized to issue debentures to pay off the said floating indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. For the purpose of providing funds to meet and pay the said floating indebtedness of \$5,000, it shall be lawful for the said corporation of the village of London West, to raise by way of loan upon the credit of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province or elsewhere, who may be willing to lend the same, a sum not exceeding \$5,000.

Issue of debentures for \$5,000 authorized.

2. The said corporation may pass a by-law authorizing the said loan of \$5,000, and the issuing debentures therefor and such by-law shall not require to be submitted for and to receive the assent of the electors of the said village for the final passing thereof, but the other provisions of *The Municipal Act* shall apply thereto.

Power to pass by-law authorizing loan.

Rev. Stat. c. 184.

3. The money to be borrowed as aforesaid shall be applied by the said corporation in payment of the said floating indebtedness mentioned in the preamble to this Act.

Application of proceeds of debentures.

4. No irregularity in the form of the said debentures or of the by-law authorizing the issue thereof shall render the same invalid, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures or the application of the proceeds thereof.

Irregularities of form not to invalidate debentures.

No. 47.

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2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL.

An Act to consolidate certain debts of the  
Village of London West.

*(Reprinted as amended by Private Bills  
Committee.)*

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First Reading, 10th February, 1888.

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(Private Bill)

MR. TOOLEY.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act respecting the Methodist Church at Aurora.

**W**HEREAS, Horace D. Lundy, Edward Stevenson, George L. Stevenson, John McDonald, John E. McNally, James Andrews, George F. Smith, George W. Johnston, George Russel, Charles Doan, and William B. Richardson, all of the town of Aurora, and county of York; Allen Brown, Lot L. Hartman, and William Reynolds, all of the township of Whitchurch in the said county of York; and Thomas W. Cosford, of the township of King, in the said county of York, have by their petition set forth that they are trustees for the Methodist Church of that parcel of land in said town, containing one half an acre, more or less, being lot number 19 on Yonge street, according to registered plan number 9, granted to their predecessors on or about the fifth day of February, 1818, in trust for church purposes; that subsequently thereto, and until about the eleventh day of June, 1869, the said land was used as a burying ground; that since that date its use for such purpose has been discontinued, and a general cemetery was then acquired near the said town where interments have since been made; that they are desirous of obtaining authority to level or cause to be levelled off the said burying ground; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said trustees or their successors shall during the period of one month publish a notice once a week in the *Ontario Gazette*, and in one newspaper published in the said town of Aurora, to the friends or relatives of the dead interred in said burying-ground, notifying them to remove the remains of the dead of their own accord and at their own expense, in a decent and orderly manner and without further notice, within two months from the date of the publication of the first number of the *Gazette* containing such notice, otherwise the said burying ground will be levelled off by the said trustees in pursuance of the powers in the next section contained.

2. Upon and after the expiration of the said two months the said trustees are hereby authorized and empowered to level or cause to be levelled off the said burying ground, notwithstanding that any or all of such remains have not been removed.

Notice requiring removal of remains.

Trustees empowered to level grounds.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act respecting the Methodist Church at  
Aurora.

First Reading,	1888.
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(Private Bill.)

Mr. WIDDIEFIELD.

TORONTO.

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act respecting the Methodist Church at Aurora.

**W**HEREAS Horace D. Lundy, Edward Stevenson, George L. Stevenson, John McDonald, John E. McNally, James Andrews, George F. Smith, George W. Johnston, George Russel, Charles Doan, and William B. Richardson, all of the town of Aurora, and county of York; Allen Brown, Lot L. Hartman, and William Reynolds, all of the township of Whitechurch in the said county of York; and Thomas W. Cosford, of the township of King, in the said county of York, have by their petition set forth that they are trustees for the Methodist Church of that parcel of land in said town, containing one half an acre, more or less, being lot number 19 on Yonge street, according to registered plan number 9, granted to their predecessors on or about the fifth day of February, 1818, in trust for church purposes; that subsequently thereto, and until about the eleventh day of June, 1869, the said land was used as a burying ground; that since that date its use for such purpose has been discontinued, and a general cemetery was then acquired near the said town where interments have since been made; that they are desirous of obtaining authority to level or cause to be levelled off the said burying ground; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said trustees or their successors shall during the period of one month publish a notice once a week in the *Ontario Gazette*, and in one newspaper published in the said town of Aurora, to the friends or relatives of the dead interred in said burying-ground, notifying them to remove the remains of the dead of their own accord and at their own expense, in a decent and orderly manner and without further notice, within six months from the date of the publication of the first number of the *Gazette* containing such notice, in order to enable the trustees of the said burying grounds to level off the same in pursuance of the powers in the next section contained.

2. Upon and after the expiration of the said six months the said trustees are hereby authorized and empowered to level or cause to be levelled off the said burying ground, but should there be remains of the dead which have not been removed by friends or relatives, and which would be disturbed by the levelling of the said grounds, the said trustees shall have power without further notice, and they are hereby required to remove such remains of the dead and inter them in a decent and orderly manner, at the expense of the said trustees, in some other established cemetery or burying ground in plots corresponding in size, as nearly as may be, with those from which such remains may be removed.

Notice requiring removal of remains.

Trustees empowered to level grounds.

No. 48.

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2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL.

An Act respecting the Methodist Church at  
Aurora.

*Reprinted as amended by Private Bills  
Committee.*

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First Reading, 8th February, 1888.

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(Private Bill.)

Mr. WIDFIELD.

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TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to consolidate the debt of the Town of  
Ridgetown.

**W**HEREAS, the corporation of the town of Ridgetown has Preamble.  
incurred debts secured by their debentures amounting  
to \$45,000 inclusive of a floating debt and liabilities for school  
purposes amounting to \$4,000 unsecured by debentures and  
5 unprovided for; and whereas, the aggregate rate of two cents  
on the dollar on the whole ratable property in the said town  
is insufficient to meet the current annual expenses of the said  
town and the payments coming due upon the said indebtedness  
during the next twenty years; and whereas, the said corpora-  
10 tion by their petition have prayed that the said secured and  
unsecured debts may be consolidated and that they may be  
authorized to issue debentures for that purpose; and whereas, it  
is expedient to grant the prayer of the said petition;

Therefore, Her Majesty by and with the advice and consent  
15 of the Legislative Assembly of the Province of Ontario, enact  
as follows:—

1. The said debts of the town of Ridgetown are hereby Debts consoli-  
consolidated at the sum of \$45,000, and it shall and may be dated.  
lawful for the corporation of the said town of Ridgetown, to  
20 raise by way of loan on the credit of the debentures herein-  
after mentioned, and by this Act authorized to be issued from  
any person or persons or body corporate, a sufficient sum or  
sufficient sums to retire the said recited debentures as they  
respectively become due not exceeding in the whole the said  
25 sum of \$45,000, exclusive of the interest thereon.

2. It shall be lawful for the said corporation of the town of Issue of debentures author-  
Ridgetown from time to time to pass a by-law or by-laws pro- ized.  
viding for the issue of debentures under their corporate seal,  
signed by the mayor and countersigned by the treasurer for the  
30 time being in such sums not exceeding \$45,000 in the whole as  
the said corporation may from time to time direct and the  
principal sum secured by the said debentures and the interest  
accruing thereon may be payable either in this Province or  
Great Britain, or elsewhere, and may be expressed in sterling  
35 money of Great Britain or currency of Canada, as the corpora-  
tion may deem expedient.

3. The corporation of the said town may, for the purpose in Power to bor-  
section 5 hereof mentioned, raise money by way of loan on the row on debentures.  
said debentures in this Province or in Great Britain or else-  
40 where, or sell and dispose of said debentures from time to time  
as they may deem expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not more than fifty years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly, on the first day of the month of January in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

5

Application of debentures.

5. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the now outstanding debentures of the town of Ridgetown and in payment of the said floating and unsecured debt of the town, and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

10

15

Outstanding debentures may be called in.

6. The treasurer of the said town shall, on receiving instructions from the council so to do from time to time, but only with consent of the holders thereof, call in any of the outstanding debentures and shall discharge the same with the funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

20

By-laws not to be repealed until debt satisfied.

7. Any by-law to be passed under and in pursuance of the provisions of this Act authorizing the said loan, shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

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Form of debentures.

8. The debentures issued under the preceding sections of this Act may be in the form contained in the schedule "A" to this Act, and the by-law or by-laws for the special rate for the payment of the said debentures and interest may be in the form of schedule "B" to this Act.

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Irregularities of form not to invalidate debentures.

9. No irregularity in the form either of the said debentures to be issued under the preceding sections of this Act, or of the by-law authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest or any or either of them or any part thereof.

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Assent of electors to by-laws not required.

10. It shall not be necessary to obtain the assent of the electors of the said town of Ridgetown to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

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Liability of corporation not affected.

11. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Ridgetown from any indebtedness or liability which may not be included in the said debt of the said town of Ridgetown.

12. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act or any of them shall

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not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act and no irregularity in the form either of the said debentures authorized to be issued by this Act or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

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SCHEDULE A.

No. \_\_\_\_\_ \$ \_\_\_\_\_

CONSOLIDATED DEBT DEBENTURE.

*Province of Ontario, Town of Ridgetown.*

Under and by virtue of the Act passed in the \_\_\_\_\_ year of the reign of her Majesty, Queen Victoria, and chaptered \_\_\_\_\_ and by virtue of by-law No. \_\_\_\_\_ of the corporation of the town of Ridgetown, passed under the provisions contained in the said Act, the corporation of the town of Ridgetown promise to pay to the bearer at \_\_\_\_\_ in \_\_\_\_\_ the sum of \_\_\_\_\_ on \_\_\_\_\_ day A.D. \_\_\_\_\_ and the yearly coupons hereto attached as the same shall severally become due.

Dated at Ridgetown in the county of Kent this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_

A. B.  
Mayor.  
C. D.  
Treasurer.

[L.S.]

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SCHEDULE B.

By-law No. \_\_\_\_\_ to authorize the issue of \_\_\_\_\_ debentures under the authority of An Act to consolidate the debt of the town of Ridgetown \_\_\_\_\_ passed in the \_\_\_\_\_ year of Her Majesty's reign and chaptered \_\_\_\_\_ and to impose a special rate for the payment of the said debentures.

Whereas, the said Act authorizes the issue of debentures for the purpose therein mentioned to be known as "Consolidated Debt Debentures" not exceeding the sum of \$45,000 in the whole as the corporation of the town of Ridgetown may direct.

And whereas, for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$ \_\_\_\_\_ payable on the \_\_\_\_\_ day of \_\_\_\_\_ with interest thereon at the rate of \_\_\_\_\_ per cent. per annum, payable yearly according to the coupons to the said debentures attached.

And whereas, the said Act requires for payment of the debentures to be issued thereunder that the council shall impose a special rate which shall be sufficient in each and every year over and above all rates to be paid on said debentures and it will require the sum of \$ \_\_\_\_\_ to be raised annually for the said interest and principal.

And whereas, the amount of the whole ratable property of the town of Ridgetown according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and                      was

Therefore, the municipal corporation of the town of Ridgetown, hereby enacts as follows:—

1. That debentures under the said Act and for the purpose therein mentioned to be known as "Consolidated Debt Debentures" to the extent of the sum of \$                      are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of                      per cent. per annum payable yearly on the first day of January in each year.

3. And for the purpose of the payment of the said debentures and the interest at the rate aforesaid, to become due thereon the sum of                      if over and above in addition to all other sums or rates shall be raised, levied and collected in each year upon all ratable property in the said town of Ridgetown during the continuance of the debentures or any of them.

This by-law, passed in open council this                      day of                      in the year of our Lord one thousand eight hundred and



No. 49.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL

An Act to consolidate the debt of the Town  
of Ridgetown.

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First Reading, 1888.

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(Private Bill.)

Mr. FERGUSON.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to consolidate the debt of the Town of  
Ridgetown.

**W**HEREAS the corporation of the town of Ridgetown has Preamble.  
incurred debts secured by their debentures amounting  
to \$45,000 inclusive of a floating debt and liabilities for school  
purposes amounting to \$4,000 unsecured by debentures and  
5 unprovided for; and whereas, the aggregate rate of two cents  
on the dollar on the whole ratable property in the said town  
is insufficient to meet the current annual expenses of the said  
town and the payments coming due upon the said indebtedness  
during the next twenty years; and whereas, the said corpora-  
10 tion by their petition have prayed that the said secured and  
unsecured debts may be consolidated and that they may be  
authorized to issue debentures for that purpose; and whereas it  
is expedient to grant the prayer of the said petition;

15 Therefore Her Majesty by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enact  
as follows:—

1. The said debts of the town of Ridgetown are hereby Debts consoli-  
dated.  
consolidated at the sum of \$45,000, and it shall and may be  
lawful for the corporation of the said town of Ridgetown, to  
20 raise by way of loan on the credit of the debentures hereinafter  
mentioned, and by this Act authorized to be issued from  
any person or persons or body corporate, a sufficient sum or  
sufficient sums to retire the said recited debentures as they  
respectively become due not exceeding in the whole the said  
25 sum of \$45,000, exclusive of the interest thereon.

2. It shall be lawful for the said corporation of the town of Issue of debentures author-  
ized.  
Ridgetown to pass a by-law, or from time to time to pass by-laws  
providing for the issue of debentures under their corporate seal,  
signed by the mayor and countersigned by the treasurer for the  
30 time being in such sums not exceeding \$45,000 in the whole as  
the said corporation may from time to time direct and the  
principal sum secured by the said debentures and the interest  
accruing thereon may be payable either in this Province or  
Great Britain, or elsewhere, and may be expressed in sterling  
35 money of Great Britain or currency of Canada, as the said  
corporation may deem expedient.

3. The corporation of the said town may, for the purpose in Power to bor-  
row on debentures.  
section 5 hereof mentioned, raise money by way of loan on the  
said debentures in this Province or in Great Britain or else-  
40 where, or sell and dispose of said debentures from time to time  
as they may deem expedient.

Payment of  
debentures  
and interest.

4. The said debentures shall be payable in not more than *thirty* years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly, on the first day of the month of January in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum. 5

Special rate.

5. For the payment of debentures to be issued under this Act, the municipal council shall impose a special rate per annum (over and above and in addition to all other rates to be levied in each year), which shall be sufficient to pay the said debentures as they respectively mature, together with the interest thereon, payable as aforesaid. 10

Application of  
debentures.

6. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the now outstanding debentures of the town of Ridgetown and in payment of the said floating and unsecured debt of the town, and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures." 15 20

Outstanding  
debentures  
may be called  
in.

7. The treasurer of the said town shall, on receiving instructions from the council so to do from time to time, but only with consent of the holders thereof, call in any of the outstanding debentures and shall discharge the same with the funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures. 25 30

By-laws not to  
be repealed  
until debt  
satisfied.


8. Any by-law to be passed under and in pursuance of the provisions of this Act authorizing the said loan, shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Investment of  
sinking fund.

9. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund created under this Act in the redemption of the said outstanding debentures of the said town, or in the redemption of the debentures issued under the authority of this Act, or in Government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate but not to any greater extent than two-thirds of the assessed value of such real estate, or in any other securities authorized by any Act or Acts now or hereafter to be in force in regard to the same, or that may be sanctioned by the Lieutenant-Governor in Council or may deposit the same in any chartered bank or banks of the Dominion of Canada that the council may from time to time approve. 35 40 45

Treasurer to  
keep books of  
account.

10. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep, and see that he does 50

keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and as to so much thereof as shall at any time or times be deposited or invested as directed by section 6 of this Act; the said book of account and statement shall set forth and shew the amount and the place or places of such deposits, and the amount and the mode and nature and place or places of such investments, and the terms and conditions upon which such deposits or investments shall from time to time be made, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any of such debentures. 

**11.** The debentures issued under the preceding sections of this Act may be in the form contained in the schedule "A" to this Act, and the by-law or by-laws for the special rate for the payment of the said debentures and interest may be in the form of schedule "B" to this Act.

Form of debentures.

**12.** No irregularity in the form either of the said debentures to be issued under the preceding sections of this Act, or of any by-law authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest or any or either of them or any part thereof.

Irregularities of form not to invalidate debentures.

**13.** It shall not be necessary to obtain the assent of the electors of the said town of Ridgetown to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Assent of electors to by-laws not required.

**14.** Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Ridgetown from any indebtedness or liability which may not be included in the said debt of the said town of Ridgetown.

Liability of corporation not affected.

**15.** Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act.

Inconsistent provisions of Municipal Acts not to apply.

## SCHEDULE A.

No. \_\_\_\_\_

§ \_\_\_\_\_

## CONSOLIDATED DEBT DEBENTURE.

*Province of Ontario, Town of Ridgetown.*

Under and by virtue of the Act entitled "An Act to consolidate the debt of the Town of Ridgetown," passed in the *fifty-first* year of the reign of Her Majesty, Queen Victoria, and chaptered \_\_\_\_\_, and by virtue of by-law No. \_\_\_\_\_ of the corporation of the town of Ridgetown, passed under the provisions contained in the said Act, the corporation of the town of Ridgetown promise to pay to the bearer at \_\_\_\_\_, in \_\_\_\_\_, the sum of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_\_ and the yearly coupons hereto attached, as the same shall severally become due.

Dated at Ridgetown in the county of Kent this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_

A. B.

Mayor.

C. D.

Treasurer.

[L.S.]

## SCHEDULE B.

By-law No. \_\_\_\_\_ to authorize the issue of \_\_\_\_\_ debentures under the authority of An Act to consolidate the debt of the town of Ridgetown, passed in the *fifty-first* year of Her Majesty's reign and chaptered \_\_\_\_\_, and to impose a special rate for the payment of the said debentures.

Whereas, the said Act authorizes the issue of debentures for the purpose therein mentioned to be known as "Consolidated Debt Debentures" not exceeding the sum of \$45,000 in the whole as the corporation of the town of Ridgetown may direct.

And whereas, for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$ \_\_\_\_\_ payable on the \_\_\_\_\_ day of \_\_\_\_\_ with interest thereon at the rate of \_\_\_\_\_ per cent. per annum, payable yearly according to the coupons to the said debentures attached.

And whereas, the said Act requires for payment of the debentures to be issued thereunder that the council shall impose a special rate *per annum* which shall be sufficient in each and every year (over and above \_\_\_\_\_ and in addition to all other rates to be levied in each year) to pay the said debentures as they respectively mature, together with the interest thereon, \_\_\_\_\_ and it will require the sum of \$ \_\_\_\_\_ to be raised annually for the said interest and principal.

And whereas, the amount of the whole ratable property of the town of Ridgetown according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and \_\_\_\_\_ was \_\_\_\_\_

Therefore, the municipal corporation of the town of Ridgetown, hereby enacts as follows:--

1. That debentures under the said Act and for the purpose



therein mentioned to be known as "Consolidated Debt Debentures" to the extent of the sum of \$        are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of        per cent. per annum payable yearly on the first day of January in each year.

3. And for the purpose of the payment of the said debentures and the interest at the rate aforesaid, to become due thereon the sum of        over and above and in addition to all other sums or rates shall be raised, levied and collected in each year upon all ratable property in the said town of Ridgetown during the continuance of the debentures or any of them.

This by-law, passed in open council this        day of        in the year of our Lord one thousand eight hundred and

BILL.

An Act to consolidate the debt of the Town  
of Ridgelytown.

*Reported as amended by Private Bills  
Committee.*

First Reading, 21st February, 1888

(Private Bill)

Mr. FROSTSON.

TORONTO,  
PRINTED BY WARREN & SONS, 251 A 254 FRONT ST., W.

An Act to amend the Act incorporating the St.  
Patrick's Asylum, of Ottawa.

**W**HEREAS, the corporation of the St. Patrick's Asylum, Preamble.  
of Ottawa, have, by their petition, represented that the  
institution was incorporated under the name of "The St.  
Patrick's Asylum, of Ottawa," by an Act of the Parliament  
5 of the Province of Canada, passed in the year 1866; and  
whereas, the corporation have represented that certain amend-  
ments are required to enable the corporation to hold the  
meeting for the election of the council of management in the  
month of October in each and every year, and to change the  
10 number of members and the constitution of such council; and  
whereas, it is expedient to grant the prayer of the said petition;  
Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

15 **1.** Section 3 of the Act passed in the twenty-ninth and  
thirtieth years of Her Majesty's reign, chaptered 147, intituled  
*An Act to incorporate the St. Patrick's Asylum, of Ottawa,*  
is hereby repealed, and the following enacted in lieu thereof:

29 & 30 V.,  
c. 147, sec. 3  
repealed.

20 **3.** For the management and control of the affairs of the  
said corporation, there shall be a council of management,  
composed of nine persons, who shall be annually elected by  
the members of the said corporation, in the month of October  
in each and every year, the term of office to be one year from  
the first day of November in each year, and the parish priest for  
25 the time being of the Roman Catholic parish of St. Patrick, in  
the said city of Ottawa, shall be *ex officio* a member of the said  
council, and at the first meeting after such election the said  
council, composed as aforesaid of nine elected members and  
one *ex officio* member, shall choose out of their number a  
30 president, vice-president, treasurer and secretary, who shall  
hold their offices respectively during the period aforesaid.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Act incorporating  
the St. Patrick's Asylum, Ottawa.

First Reading, 1888.

(Private Bill.)

Mr. BRONSON.

TORONTO:

PRINTED BY WARWICK & SON, 26 AND 28 FRONT ST. W.

An Act to authorize the Trustees of the Toronto General Burying Grounds to sell certain lands.

**W**HEREAS, the trustees of the Toronto General Burying <sup>Preamble.</sup>  
 Grounds by their petition have represented that the  
 lands hereinafter described, being adjacent to Mount Pleasant  
 cemetery, were purchased by them in the expectation that the  
 same would be required for burial purposes as an enlargement  
 5 of the said Mount Pleasant cemetery; and whereas, they have  
 since acquired other lands for the purposes of the said trust,  
 situated more conveniently to the northwestern part of the  
 city of Toronto, whereby the interments in Mount Pleasant  
 10 cemetery will be lessened and such contemplated enlargement  
 thereof rendered unnecessary, in consequence whereof the said  
 trustees desire to sell the said lands; and whereas, no inter-  
 ments have been made in said lands, and the same have never  
 been enclosed along with or made a portion of the said Mount  
 15 Pleasant cemetery; and whereas, it is expedient to grant the  
 prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

- 20 **1.** The said trustees of the Toronto General Burying Grounds <sup>Sale of land</sup>  
 are hereby authorized and empowered, on such terms as they <sup>authorized.</sup>  
 shall consider expedient, to sell and convey all and singular  
 the following lands and premises, being composed of parts of  
 lot number twenty, in the third concession from the Bay in the  
 25 township of York, which said parcels or tracts are laid down  
 on a plan number 277, filed in the registry office for the  
 county of York as lots numbers one, nine, ten, thirteen, four-  
 teen, seventeen, eighteen; twenty-one and twenty-two; and  
 are further authorized and empowered from time to time  
 30 to sell and dispose of, upon such terms as they may con-  
 sider expedient, at any time before making interments therein,  
 any other lands now owned or hereafter to be acquired by  
 them for the purposes of the said trust, and to convey and  
 assure the same to purchasers thereof; provided always that  
 35 the proceeds arising from any and all such sale or sales are to  
 be used and appropriated for the proper purposes of the said  
 trust and for no other purposes whatever, and provided fur-  
 ther that the purchasers of said lands shall be under no obli-  
 gation to see to such application of the proceeds.

2nd Session, 6th Legislature, 51 Vic., 1888.

**BILL.**

An Act to authorize the Trustees of the  
Toronto General Burying Grounds to sell  
certain lands.

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First Reading,                      , 1888.

---

(Private Bill.)

MR. E. F. CLARKE,  
(*Toronto.*)

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to authorize the Trustees of the Toronto General Burying Grounds to sell certain lands.

WHEREAS the trustees of the Toronto General Burying Preamble.

5 Grounds by their petition have represented that the lands hereinafter described, being adjacent to Mount Pleasant cemetery, were purchased by them in the expectation that the same would be required for burial purposes as an enlargement of the said Mount Pleasant cemetery; and whereas they have since acquired other lands for the purposes of the said trust, situated more conveniently to the northwestern part of the city of Toronto, whereby the interments in Mount Pleasant cemetery will be lessened and such contemplated enlargement thereof rendered unnecessary, in consequence whereof the said trustees desire to sell the said lands; and whereas no interments have been made in said lands, and the same have never been enclosed along with or made a portion of the said Mount Pleasant cemetery; and whereas it is expedient to grant the prayer of the said petition;

15 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

20 1. The said *the* trustees of the Toronto General Burying Grounds are hereby authorized and empowered, on such terms as they shall consider expedient, to sell and convey all and singular the following lands and premises, being composed of parts of lot number twenty, in the third concession from the Bay in the township of York, which said parcels or tracts are laid down on a plan number 277, filed in the registry office for the county of York as lots numbers one, nine, ten, thirteen, fourteen, seventeen, eighteen, twenty-one and twenty-two; and are further authorized and empowered from time to time to sell and dispose of, upon such terms as they may consider expedient, at any time before making interments therein, any other lands now owned by them for the purposes of the said trust, and to convey and assure the same to purchasers thereof; provided always that the proceeds arising from any and all such sale or sales are to be used and appropriated for the proper purposes of the said trust and for no other purposes whatever, and provided further that the purchasers of said lands shall be under no obligation to see to such application of the proceeds.

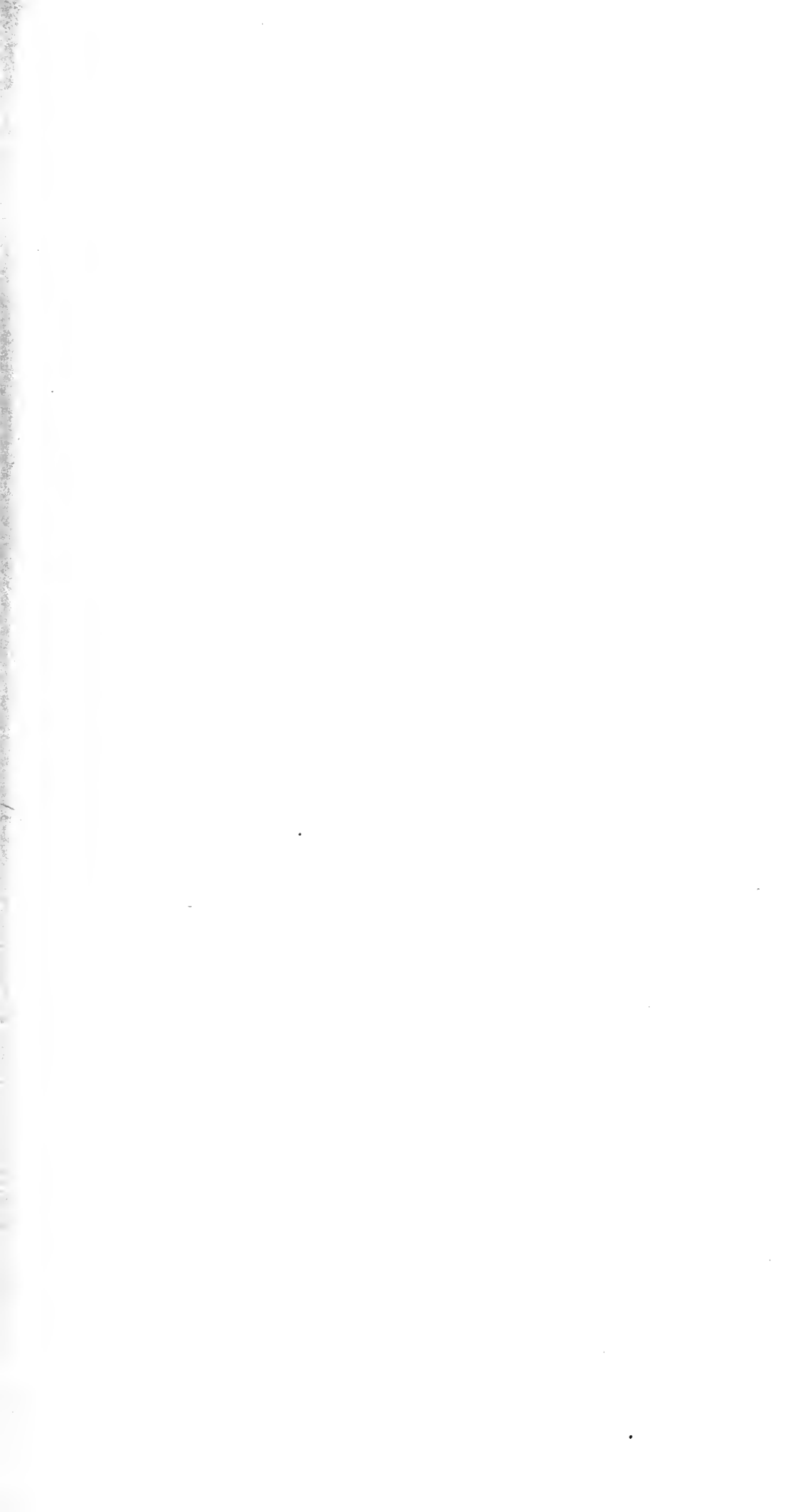
Sale of land authorized.

Proviso,

Assessment  
of lands for  
cost of erect-  
ing a bridge.

2. The lands other than lot one, particularly described in the next preceding section, shall immediately, as and when sold by the trustees, become liable to assessment for a special rate to raise a proportionate part of all costs incurred in the construction of a high level iron bridge at lot sixteen in the second concession from the Bay, lot twenty in the third concession from the Bay, and the original road allowance for road between the said concessions in the said township of York, as a local improvement in accordance with the provisions of such report as may be made by the engineer under the provisions of *The Municipal Act* in that behalf, and the by-law based thereon, shewing the lands to be immediately benefited by such improvement.





BILL.

An Act to authorize the Trustees of the Toronto General Burying Grounds to sell certain lands.

*Reprinted as amended by Private Bills Committee.*

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First Reading, 14th February, 1888.

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(Private Bill.)

MR. E. F. CLARKE,  
(Toronto.)

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TORONTO :  
PRINTED BY WEAVER & SONS, 26 AND 28 FRONT ST. W.

An Act to authorize the Trustees of the Toronto General Burying Grounds to sell certain lands.

WHEREAS the trustees of the Toronto General Burying Preamble.

Grounds by their petition have represented that the lands hereinafter described, being adjacent to Mount Pleasant cemetery, were purchased by them in the expectation that the same would be required for burial purposes as an enlargement of the said Mount Pleasant cemetery; and whereas they have since acquired other lands for the purposes of the said trust, situated more conveniently to the northwestern part of the city of Toronto, whereby the interments in Mount Pleasant cemetery will be lessened and such contemplated enlargement thereof rendered unnecessary, in consequence whereof the said trustees desire to sell the said lands; and whereas no interments have been made in said lands, and the same have never been enclosed along with or made a portion of the said Mount Pleasant cemetery; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said the trustees of the Toronto General Burying Sale of land authorized.  
 Grounds are hereby authorized and empowered, on such terms as they shall consider expedient, to sell and convey all and singular the following lands and premises, being composed of parts of lot number twenty, in the third concession from the Bay in the township of York, which said parcels or tracts of land are laid down on a plan number 277, filed in the registry office for the county of York as lots numbers one, nine, ten, thirteen, fourteen, seventeen, eighteen, twenty-one and twenty-two; and are further authorized and empowered from time to time to sell and dispose of, upon such terms as they may consider expedient, at any time before making interments therein, any other lands now owned by them for the purposes of the said trust, and to convey and assure the same to purchasers thereof; provided always that the proceeds arising from any Proviso.  
 and all such sale or sales are to be used and appropriated for the proper purposes of the said trust and for no other purposes whatever, and provided further that the purchasers of said lands shall be under no obligation to see to such application of the proceeds.

Assessment  
of lands for  
cost of erect-  
ing a bridge.

2. The lands other than lot one, particularly described in the next preceding section, shall immediately after the passing of this Act, become liable to assessment for a special rate to raise a proportionate part of all costs incurred in the construction of a high level bridge at lot sixteen in the second concession from the Bay, lot twenty in the third concession from the Bay, and the original allowance for road between the said concessions in the said township of York, as a local improvement in accordance with the provisions of the report made by the township engineer under the provisions of *The Municipal Act* in that behalf, and the by-law to be passed shewing the lands to be immediately benefited by such improvement, shall set forth and describe the lands in this section mentioned; but the said lands shall not, nor shall the said trustee, be liable to pay any rates notwithstanding such assessment of the said lands, unless and until the same are sold by the trustees, and the said lands in the hands of any purchaser thereof, shall not be liable for any arrears of rates in respect of such assessment, but only for such yearly rates as shall accrue and become payable after the said lands have been sold and conveyed to such purchaser.

Corporations  
of townships  
of York to  
carry out pro-  
visions of sec-  
tion 2.

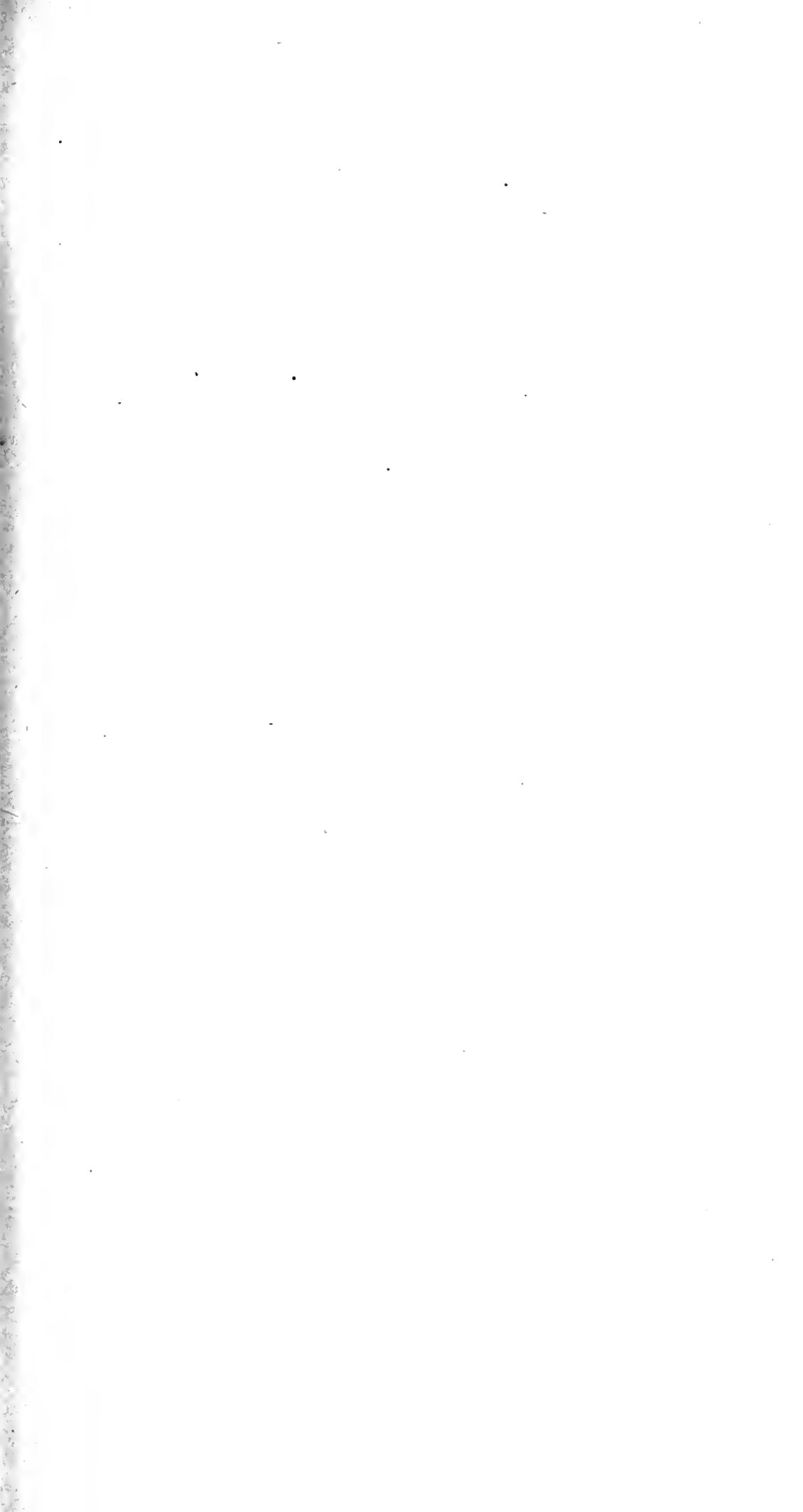
3. The corporation of the township of York shall notwithstanding any provisions to the contrary contained in *The Municipal Act*,

(a) Rescind any resolution or by-law affecting the report of said engineer inconsistent with the last preceding section.

(b) And pass such by-laws as may be requisite to exempt the lands in the preceding section mentioned from assessment for such special rate, until such time as the said lands shall be sold by the said trustees.

Assessment of  
other lands.

4. Until such time as the said lands shall be sold by the said trustees the remaining lands mentioned in said report of said engineer, shall be liable to assessment for the whole sum to be raised each year by such special rate.



No. 51.

2nd Session, 6th Legislature, 51 Vic. 1888.

BILL.

An Act to authorize the Trustees of the Toronto General Burying Grounds to sell certain lands.

*(Reprinted as amended by Committee of Whole House.)*

First Reading, 14th February, 1888.

Second " 24th " 1888.

(Private Bill.)

Mr. F. F. CLARKE,  
*(Toronto).*

TORONTO,

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to incorporate the Port Arthur Water and Light Company.

WHEREAS James King, Thomas Marks, Daniel Francis Preamble.

Burk, James Conmee, M.P.P.; George B. Smith, M.P.P.; Oliver Donais, Michael Dwyer, and James R. Roaf have by their petition, prayed for an Act to incorporate them and  
5 others under the style of "The Port Arthur Water and Light Company," for the purpose of supplying the town of Port Arthur and the municipalities of Neebing and Shuniah and adjacent thereto, with water, light, and power; and whereas it is expedient to grant the prayer of the said petition;

10 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said persons in the preamble mentioned and such other persons as shall hereafter become stockholders of the  
15 said company, shall be, and are constituted a body corporate and politic, by the name of "The Port Arthur Water and Light Company," and by that name shall have perpetual succession with all other powers consistent with and necessary for the purposes hereinafter declared. Petitioners incorporated as a company.

20 2. The said James King, James Conmee, Thomas Marks, Daniel Francis Burk, and Michael Dwyer shall be the first First directors. directors of the said company and three of the directors shall constitute a quorum.

3. The said company hereby incorporated shall have all the powers under this Act which are held and enjoyed by companies  
25 incorporated under *The Act respecting Joint Stock Companies for supplying Cities, Towns, and Villages with Gas and Water*, and of all amending Acts (and all provisions in the said Acts, not inconsistent with this Act are hereby incorporated with this Act), and also all the powers granted to municipal  
30 corporations, with respect to water-works under sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 15, of *The Municipal Water-works Act*, together with power to construct, build, erect, maintain, and operate all such mills and machinery, necessary or as may be deemed advisable by the company for the pur-  
35 poses of supplying power, either by steam, electricity, or water. Powers of company. Rev. Stat. c. 164. Rev. Stat. c. 192.

5.—(1) In case a by-law authorizing the same is sanctioned by a vote of not less than two-thirds of the shareholders then present in person, or by proxy, at a general meeting held for  
40 consideration of the by-law, the directors may, from time to time, borrow money upon the credit of the company, and issue Power to borrow.

bonds, debentures, and other securities of the company, and may sell the said bonds, debentures, and other securities at such prices as may be deemed expedient, or be necessary,—but no such debenture shall be for a less sum than \$100.

(2) The directors may under a like sanction from time to time hypothecate, mortgage, or pledge the real or personal property of the company, to secure any sum or sums borrowed for the purposes thereof, provided that the said issue of bonds, debentures, or mortgages shall not exceed the sum of \$250,000 at any one time. 10

Council empowered to contract with company for water supply, and to specially assess property therefor.

6.—(1) The municipal councils of the corporations of the town of Port Arthur, and the municipalities of Neebing and Shuniah are hereby empowered upon the petition of the freeholders resident in any ward, or section of a ward, or in any street, square, alley, or lane, or part of a street, square, alley, or lane representing in value one half of the assessed property therein, to enter into contracts with the said company for the supplying of water to such ward or section of a ward, or to such street, square, alley or lane, or part of a street, square, alley or lane, and may also pass by-laws for raising such sums as may be necessary for renting, or erecting and renting hydrants to be used for the protection of such property, and whatever may be thereon from fire, and for supplying of water for the use of the owners and their tenants for such other purposes as may be desired or agreed upon, by means of a special rate on the said real property according to the assessed value thereof. 15 20 25

Exemption from special assessment.

(2) If only a section of a ward or only part of a street-square, alley or lane, is to be included in the assessment, the council may exclude from the assessment, property, the owners whereof object to being assessed, if such property is situated at a greater distance from the hydrant nearest thereto, than is the property of every person signing the petition, and the council considers it unfair that such property should be assessed. 30 35

Allowance for use of hydrants by corporations.

(3) If hydrants erected under this section are used for the general purposes of the municipality, the corporation shall contribute for such use a fair amount out of the general funds in relief of the said special rate, or make some other equitable allowance to the persons liable to such rates in lieu of such contribution. 40







An Act to incorporate the Port Arthur Water, Light  
and Power Company.

**W**HEREAS James King, Thomas Marks, Daniel Francis  
Burk, James Conmee, M.P.P., George B. Smith, M.P.P.,  
Oliver Donais, Michael Dwyer, and James R. Roaf have by  
their petition, prayed for an Act to incorporate them and  
5 others under the style of "The Port Arthur Water, Light and  
*Power Company*," for the purpose of supplying the town of  
Port Arthur and the municipality of Shuniah, with  
water, light, and power; and whereas it is expedient to grant  
the prayer of the said petition;

Preamble.

10 Therefore Her Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. The said persons in the preamble mentioned, and such  
other persons as shall hereafter become stockholders of the  
15 said company, shall be and are constituted a body corporate  
and politic, by the name of "The Port Arthur Water, Light  
*and Power Company*," and by that name shall have perpetual  
succession with all other powers consistent with and necessary  
for the purposes hereinafter declared.

Petitioners in-  
corporated as  
a company.

20 2. The said James King, James Conmee, M.P.P., Thomas  
Marks, Daniel Francis Burk, and Michael Dwyer shall be the  
first directors of the said company and three of the directors  
shall constitute a quorum.


First  
directors.

3. *Subject to sections 6, 7 and 8 of this Act*, the said com-  
25 pany hereby incorporated shall have all the powers under  
this Act which are held and enjoyed by companies incor-  
porated under *The Act respecting Joint Stock Companies  
for supplying Cities, Towns, and Villages with Gas and  
Water*, and also all the powers granted to municipal cor-  
30 porations, with respect to water-works, under sections 3, 4,  
5, 6, 7, 8, 9, 10, 11, 12, 13, and 15, of *The Municipal Water-  
works Act*, together with power to construct, build, erect,  
maintain, and operate all such mills and machinery, necessary  
or as may be deemed advisable by the company for the purposes  
35 of supplying power, either by steam, electricity, water or other-  
wise. The said company, subject as aforesaid, shall also have,  
under and subject to sections 56 and 58 of *The Act respect-  
ing Joint Stock Companies for supplying Cities, Towns and  
Villages with Gas and Water*, as if the same were incorporated  
40 herewith, power within the town of Port Arthur and the munic-  
ipality of Shuniah or within twenty miles thereof, to divert from  
their natural course the Current, McIntire and Neebing rivers

Powers of  
company.

Rev. Stat.  
c. 164.

Rev. Stat.  
c. 192.

and the McVicar creek for the purposes of the company, and to make storage reservoirs at such points as may be necessary. 

Power to borrow.

4.—(1) In case a by-law authorizing the same is sanctioned by a vote of not less than two-thirds of the shareholders then present in person, or by proxy, at a general meeting held for consideration of the by-law, the directors may, from time to time, borrow money upon the credit of the company, and issue bonds, debentures, and other securities of the company, and may sell the said bonds, debentures, and other securities at such prices as may be deemed expedient, or be necessary,—but no such debenture shall be for a less sum than \$100. 5 10

(2) The directors may under a like sanction from time to time hypothecate, mortgage, or pledge the real or personal property of the company, to secure any sum or sums borrowed for the purposes thereof, provided that the said issue of bonds, debentures, or mortgages shall not exceed the sum of \$250,000 at any one time. 15

Councils empowered to contract with company for water supply, and to specially assess property therefor.

5.—(1) The municipal councils of the corporations of the town of Port Arthur, and the municipality of Shuniah are hereby empowered upon the petition of the freeholders resident in any ward, or section of a ward, or in any street, square, alley, or lane, or part of a street, square, alley, or lane representing in value one half of the assessed property therein, to enter into contracts for any term not exceeding 30 years with the said company for the supplying of water to such ward or section of a ward, or to such street, square, alley or lane, or part of a street, square, alley or lane, and may also pass by-laws for raising such sums as may be necessary for renting, or erecting and renting hydrants to be used for the protection of such property, and whatever may be thereon from fire, and for supplying of water for the use of the owners and their tenants for such other purposes as may be desired or agreed upon, by means of a special rate on the said real property according to the assessed value thereof, and may pay over to such company the moneys so collected or any portion thereof. 20 25 30 35

Exemption from special assessment.


(2) If only a section of a ward or only part of a street square, alley or lane, is to be included in the assessment, the council may exclude from the assessment, property, the owners whereof object to being assessed, if such property is situated at a greater distance from the hydrant nearest thereto than is the property of every person signing the petition, and the council considers it unfair that such property should be assessed. 40



Allowance for use of hydrants by corporations.

(3) If hydrants erected under this section are used for the general purposes of the municipality, the corporation shall contribute for such use a fair amount out of the general funds in relief of the said special rate, or make some other equitable allowance to the persons liable to such rates in lieu of such contribution. 45 50



Assent of municipalities required.

6. The said company shall not be entitled to exercise the powers conferred by sections 3 and 5 of this Act, so far as the same relate to the construction of water works or lighting, until it has obtained the consent of the municipal corporation of the said town of Port Arthur or other municipality within which

the powers hereby given are to be exercised by such company; such consent to be by by-law and to be on such terms and conditions as the by-law may prescribe. 

 7. Notwithstanding anything in this Act contained all  
5 rights, powers and privileges which the municipal corporations  
herein named now have and enjoy, under the Acts mentioned  
in section 3 of this Act, are by this Act preserved as against  
the company by this Act incorporated, and this Act shall not  
abridge the existing corporate powers and privileges of the  
10 said municipal corporations respecting incorporated com-  
panies. 

Rights of  
municipality  
preserved.

 8. The powers by this Act conferred shall not extend  
to or be exercised in the municipality of Neebing. 

Act not to  
confer power  
in respect of  
Neebing.

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2nd Session 6th Legislature, 51 Vic., 1888.

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BILL.

An Act to incorporate the Port Arthur  
Water, Light and Power Company.

*Reprinted as amended by Private Bills  
Committee.*

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First Reading, 23rd February, 1888.

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(Private Bill.)

MR. CONNIE.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to incorporate the Port Arthur Water, Light  
and Power Company.

**W**HEREAS James King, Thomas Marks, Daniel Francis  
Burk, James Conmee, M.P.P., George B. Smith, M.P.P.,  
Oliver Donais, Michael Dwyer, and James R. Roaf have by  
their petition, prayed for an Act to incorporate them and  
5 others under the style of "The Port Arthur Water, Light and  
*Power Company*," for the purpose of supplying the town of  
Port Arthur and the municipality of Shuniah, with  
water, light, and power; and whereas it is expedient to grant  
the prayer of the said petition;

Preamble.

10 Therefore Her Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. The said persons in the preamble mentioned, and such  
other persons as shall hereafter become stockholders of the  
15 said company, shall be and are constituted a body corporate  
and politic, by the name of "The Port Arthur Water, Light  
and Power Company," and by that name shall have perpetual  
succession with all other powers consistent with and necessary  
for the purposes hereinafter declared.


Petitioners in-  
corporated as  
a company.

20 2. The said James King, James Conmee, M.P.P., Thomas  
Marks, Daniel Francis Burk, and Michael Dwyer shall be the  
first directors of the said company and three of the directors  
shall constitute a quorum.

First  
directors.

3. *Subject to sections 6, 7 and 8 of this Act, the said com-*  
25 *pany hereby incorporated shall have all the powers under*  
*this Act which are held and enjoyed by companies incor-*  
*porated under The Act respecting Joint Stock Companies*  
*for supplying Cities, Towns, and Villages with Gas and*  
*Water, and also all the powers granted to municipal cor-*  
30 *porations, with respect to water-works, under sections 3, 4,*  
*5, 6, 7, 8, 9, 10, 11, 12, 13, and 15, of The Municipal Water-*  
*works Act, together with power to construct, build, erect,*  
*maintain, and operate all such mills and machinery, necessary*  
*or as may be deemed advisable by the company for the purposes*  
35 *of supplying power, either by steam, electricity, water or other-*  
*wise, and to enter into contracts for leasing, sale or other*  
*disposition or use of such power.* The said company,  
subject as aforesaid, shall also have, under and subject to  
sections 56 and 58 of *The Act respecting Joint Stock Com-*  
40 *panies for supplying Cities, Towns and Villages with Gas*  
*and Water, as if the same were incorporated herewith, power*  
within the town of Port Arthur and the municipality of Shuniah

Powers of  
company.Rev. Stat.  
c. 164.Rev. Stat.  
c. 192.

or within twenty miles thereof, to divert from their natural course the Current, McIntire and Neebing rivers and the Mc-Vicar creek for the purposes of the company, and to make storage reservoirs at such points as may be necessary. 

Power to borrow.

4.—(1) In case a by-law authorizing the same is sanctioned 5  
by a vote of not less than two-thirds of the shareholders then present in person, or by proxy, at a general meeting held for consideration of the by-law, the directors may, from time to time, borrow money upon the credit of the company, and issue bonds, debentures, and other securities of the company, and 10  
may sell the said bonds, debentures, and other securities at such prices as may be deemed expedient, or be necessary, but no such debenture shall be for a less sum than \$100.

(2) The directors may under a like sanction from time to time hypothecate, mortgage, or pledge the real or personal 15  
property of the company, to secure any sum or sums borrowed for the purposes thereof, provided that the said issue of bonds, debentures, or mortgages shall not exceed the sum of \$250,000 at any one time.

Councils empowered to contract with company for water supply, and to specially assess property therefor.

5.—(1) The municipal councils of the corporations of the 20  
town of Port Arthur, and the municipality of Shuniah are hereby empowered upon the petition of the freeholders resident in any ward, or section of a ward, or in any street, square, alley, or lane, or part of a street, square, alley, or lane representing in value 25  
one half of the assessed property therein, to enter into contracts for any term not exceeding 30 years with the said company for the supplying of water to such ward or section of a ward, or to such street, square, alley or lane, or part of a street, square, alley or lane, and may also pass by-laws for raising such sums 30  
as may be necessary for renting, or erecting and renting hydrants to be used for the protection of such property, and whatever may be thereon from fire, and for supplying of water 35  
for the use of the owners and their tenants for such other purposes as may be desired or agreed upon, by means of a special rate on the said real property according to the assessed value thereof, and may pay over to such company the moneys so 35  
collected or any portion thereof.


Exemption from special assessment.

(2) If only a section of a ward or only part of a street, square, alley or lane, is to be included in the assessment, the council may exclude from the assessment, property, the owners 40  
whereof object to being assessed, if such property is situated at a greater distance from the hydrant nearest thereto than is the property of every person signing the petition, and the council considers it unfair that such property should be 45  
assessed.


Allowance for use of hydrants by corporations.


(3) If hydrants erected under this section are used for the general purposes of the municipality, the corporation shall contribute for such use a fair amount out of the general funds in relief of the said special rate, or make some other equitable allowance to the persons liable to such rates in lieu of such 50  
contribution.

Contracts for electric light.


 (4) The municipal councils of the corporations of the town of Port Arthur and the municipality of Shuniah are hereby empowered to enter into contracts for any term not exceeding




thirty years with the said company for lighting by electricity within the said municipalities, or either of them as the said councils or either of them may by by-law provide. 

**6.** The said company shall not be entitled to exercise the 5 powers conferred by sections 3 and 5 of this Act, so far as the same relate to the construction of water works or lighting, until it has obtained the consent of the municipal corporation of the said town of Port Arthur or other municipality within which the powers hereby given are to be exercised by such com- 10 pany; such consent to be by by-law and to be on such terms and conditions as the by-law may prescribe. 

Assent of municipalities required.

**7.** Notwithstanding anything in this Act contained all rights, powers and privileges which the municipal corporations herein named now have and enjoy, under the Acts mentioned 15 in section 3 of this Act, are by this Act preserved as against the company by this Act incorporated, and this Act shall not abridge the existing corporate powers and privileges of the said municipal corporations respecting incorporated companies. 

Rights of municipality preserved.

**8.** The powers by this Act conferred shall not extend 20 to or be exercised in the municipality of Neebing. 

Act not to confer power in respect of Neebing.

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2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL.

An Act to incorporate the Port Arthur  
Water, Light and Power Company.

*Reprinted as again amended by Com-  
mittee of the Whole House*

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First Reading, 23rd February, 1888.  
Second " 5th March, 1888.

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(Private Bill.)

MR CONNELL.

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TORONTO:

PRINTED BY WARWICK & SONS, '95 AND 28 FRONT ST. W.

## An Act to amend the Methodist Church Act, 1884.

**W**HEREAS, the Methodist Church has by its petition Preamble.  
 prayed that sections 4 and 6 of *The Methodist Church*  
*Act, 1884*, may be amended as hereinafter set forth, and the  
 issue of debentures be authorized and that the same may be  
 5 made a charge upon certain real estate of the said Church in  
 this Province ; and whereas, it is expedient to grant the prayer  
 of the said petition ;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 10 as follows :—

1. Section 4 of *The Methodist Church Act, 1884*, is hereby 44 V.c. 88, s. 4,  
 amended.  
 amended by inserting the following words at the commence-  
 ment thereof, “ in any deed or conveyance to said trustees.”

2. Section 6 of the said Act is hereby amended by inserting 44 V.c. 88, s. 6,  
 amended.  
 15 the words “ the Methodist Church ” after the words “ the said  
 corporation ” in the first line thereof.

3. The said corporation the Methodist Church or any of the Authority to  
 issue debentures.  
 boards or committees thereof, having charge of any of the  
 funds of the said corporation, may issue debentures under the  
 20 seal of said Church and the hand or hands of such officer or  
 officers thereof, as may be thereto authorized for any money  
 borrowed under the authority of section 14 of the Act of the  
 Parliament of Canada incorporating said Church, passed in the  
 forty-seventh year of Her Majesty's reign, chaptered 106 ; and  
 25 the payment of said debentures and the interest thereon may  
 be secured by mortgage in favour of a trustee or trustees for  
 the holders of such debentures upon any real estate in this  
 Province under the control of such corporation, board or com-  
 mittee issuing such debentures.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Methodist Church  
Act, 1884.

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First Reading.	1888.
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(Private Bill)

M. H. E. CLARKE,  
(*Toronto.*)

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act incorporating the Parry Sound Colonization Railway.

WHEREAS, by an Act of the Legislature of Ontario Preamble. passed in the forty-eighth year of Her Majesty's reign, chaptered 78, the Parry Sound Colonization Company was incorporated, and by section 33 of the said Act it was enacted that the railway proposed to be built by the said company should be commenced within three years and completed within five years; and whereas, the said company have not as yet been enabled to commence the said road as provided by the said Act; and whereas, the said company have prayed for further time to commence and complete the said road; and whereas, it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The time for commencing the said line is extended for the period of three years from the 30th day of March, A.D. 1888, and the time for the completion thereof for five years from the said date.

2. It shall be lawful for the said company to enter into arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company, or any other railway company in the manner provided in section 27 of the said Act with respect to the Northern and Pacific Junction Railway Company, and the said line may connect, as provided in the said Act, at any point between the town of Orillia, in the county of Simcoe, and the village of Calander, on the said Northern and Pacific Junction Railway.

**BILL.**

An Act to amend the Act respecting the  
Parry Sound Colonization Railway Com-  
pany.

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First Reading, 23rd February, 1888.

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(Private Bill.)



**MR. ARMSTRONG.**



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TORONTO:  
PRINTED BY WATKIN & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act incorporating the Parry Sound Colonization Railway Company.

**W**HEREAS by an Act of the Legislature of Ontario, passed Preamble.  
 in the forty-eighth year of Her Majesty's reign, chaptered  
 78, the Parry Sound Colonization *Railway* Company was  
 incorporated, and by section 33 of the said Act it was enacted  
 5 that the railway proposed to be built by the said company  
 should be commenced within three years and completed within  
 five years; and whereas the said company have not as yet  
 been enabled to commence the said road as provided by the  
 said Act; and whereas the said company have prayed for  
 10 further time to commence and complete the said road; and  
 whereas it is expedient to grant the prayer of the said petition;  
 Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

15 **1.** The time for commencing the  construction of the said Time of com-  
 line of railway  is extended for the period of three years mencement  
 from the 30th day of March, A.D. 1888, and the time for the and comple-  
 completion thereof for five years from the said date. tion extended.

**2.** It shall be lawful for the said company to enter into Arrangements  
 20 arrangements with the Canadian Pacific Railway Company, the with other  
 Grand Trunk Railway Company, or  the Brockville, West- railways  
 port and Sault Ste. Marie Railway Company, in the same authorized.  
 manner as, with respect to the Northern and Pacific Junction  
 Railway Company, is provided in section 27 of the said Act,  
 25 and the said line of railway may connect, as provided in the  
 said Act, with the said Northern and Pacific Junction Railway  
 at any point between the town of Gravenhurst, in the county  
 of Simcoe, and the village of Callendar. 

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to amend the Act respecting the Parry Sound Colonization Railway Company.

*(Re-printed as Amended by Railway Committee.)*

First Reading, 23rd February, 1888.

(Private Bill)

Mr. ARMSTRONG.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



An Act to incorporate the Manitoulin and North Shore  
Railway Company.

**W**HEREAS, the construction of a line of railway to connect Preamble.  
the village of Little Current on the Manitoulin Island with  
a point on the north shore of Lake Huron, in the District of  
Algoma, on the line of the Canadian Pacific or Grand Trunk  
5 Railways at or near their intersection with the Spanish River,  
in the township of Nairn, in the district of Algoma, would  
be of general benefit and is necessary for the development of  
the resources of the Island of Manitoulin and the islands and  
country adjacent thereto; and whereas, a petition has been  
10 presented praying for the incorporation of a company for the  
construction of the said railway; and whereas, it is expedient  
to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
15 as follows:—

**1.** Andrew Pearce Kilganan, Robert Adam Lyon, Martin Incorporation.  
L. McGrath, together with all such persons or corporations as  
shall in pursuance of this Act become shareholders in the  
company hereby incorporated, shall become and are hereby  
20 constituted and declared to be a body corporate and politic by  
and under the name of "The Manitoulin and North Shore  
Railway Company."

**2.** The said company shall have full power and authority Location of line.  
to lay out and construct, complete, and use a double or single  
25 iron or steel railway, of the gauge of four feet eight and one-half  
inches in width, from the village of Little Current on the  
Manitoulin Island to a point on the north shore of Lake Huron,  
in the District of Algoma, on the line of the Canadian Pacific  
or Grand Trunk Railways, at or near their intersection with the  
30 Spanish River, in the township of Nairn in the district of  
Algoma.

**3.** It shall and may be lawful for the said company to pass Power as to acquiring lands.  
over any portions of the country between the points in section  
2 mentioned, and to take and appropriate for the use of the  
35 said railway and the works connected therewith, so much of  
the land as may be necessary for the works of the said railway,  
and notwithstanding anything contained in the sections of  
*The Railway Act of Ontario* respecting "lands and their  
valuation," the said company may acquire land and water lot  
40 property for the purpose of their undertaking, in the manner  
provided for by the said sections, and the compensation to be  
paid to the owners for such lands, as also the power of the

company to take possession thereof, shall in case of difference be ascertained and exercised in a manner provided by the said sections of the said Act.

Power to erect snow fences.

4. The company shall have the right, on and after the 15th day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and to maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law, in respect of such railway, to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the 1st day of April following.

Capital stock.

5. The capital stock of the company shall be \$300,000, with power to increase the same in the manner provided in *The Railway Act of Ontario* to be divided into shares of \$100 each, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and the organization of the said company and for making the surveys, plans and estimates connected with the works hereby authorized, and the production of any plans and estimates heretofore made, and all the remainder of said moneys shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act.

Aid to company.

6. The said company may receive from any Government or from any person or bodies corporate or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, or of any of the works authorized under this Act to be undertaken by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Exemption from taxation.

7. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situated, by by-law expressly passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Grants of land.

8. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

9. The persons named in section 1 of this Act shall be and are hereby constituted provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act, but as many of the said provisional directors as shall become shareholders to the amount hereinafter required as the qualification of a director, shall become permanent directors of said company, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to receive payments on account of stock subscriptions and to cause plans and surveys to be made and to acquire any plans and surveys now existing, and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscriptions, and to withdraw the same for the purposes of the undertaking and to receive for the company any grant, loans, bonus or gift made to it in aid of the undertaking, and to enter into any agreement respecting the condition or disposition of any gift or bonus in aid of the railway and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors.

Provisional directors.

10. The said directors are hereby empowered to take all necessary measures for opening the stock books for the subscription of parties or corporations desirous of becoming shareholders in the said company, and to determine and allot to parties subscribing for stock in the said company the number of shares (if any) that parties so subscribing may have and hold in the capital stock aforesaid, provided always that no subscription in the said stock books shall create the party or parties or corporations so subscribing a shareholder or shareholders in the said company without and until the authorization thereof by the directors of the company for the time being, and the said provisional directors are further empowered to make and to enforce all such agreements with the Grand Trunk and Canadian Pacific Railway Companies as are given to the company by section 21 of this Act.

Powers of provisional directors.

11. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Rights of aliens.

12. No subscription for shares in the capital of the company shall be binding on the company unless and until ten per centum of the amount subscribed has been actually paid thereon.

Subscriptions not binding on company until ten per cent. paid.

13. When and so soon as shares to the amount of \$30,000 in the capital stock of the said company shall have been subscribed and allotted and the sum of \$3,000 paid thereon, the provisional directors shall call a general meeting of the shareholders of the said capital stock at Little Current for the purpose electing directors of the said company, giving at least one month's previous notice by advertisement in the *Ontario Gazette*, and in one of the papers published in the village of Little Current, of the time and place and purpose of said meeting.

First general meeting.

First election  
of directors.

**14.** At such general meeting the shareholders assembled in person or by proxy, who shall have paid up ten per centum on their shares, shall choose not more than nine persons in all to be directors of the said company (of whom five shall be a quorum) having regard to the provisional directors who are qualified under this Act to become directors, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*. 5

Qualifications  
of directors.

**15.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder, holding at least ten shares of stock in the company, and unless he has paid up all calls thereon. 10

Annual  
meetings.

**16.** Thereafter, the general annual meeting of the shareholders of the said company shall be held at such place in the district of Algoma, and on such days and at such hours, as may be directed by the by-laws of the company, and public notice thereof shall be given at least one month previously in the *Ontario Gazette* and in one or more newspapers published at the village of Little Current; and special general meetings of the shareholders of the said company may be held at such places in Ontario, and at such times and in such manner, as may be provided by the by-laws of the company. 20

Certain pay-  
ments allowed  
to be made in  
stock.

**17.** It shall be competent for the provisional directors or the directors of the said company to issue as paid up stock any ordinary stock of the company, and allot and pay the same for right of way, plant, rolling stock, or material of any kind, and also for the services of contractors, engineers, and other persons who may have been, are, or may be engaged in and about the prosecution of the proposed undertaking or in the organization of said company. 25 30

Issue of bonds.

**18.** The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company and countersigned by the secretary and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipment then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata* with all the other holders thereof, upon the undertaking and property of the company as aforesaid; provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$10,000 per mile; and provided, further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have 35 40 45 50 55

been first registered in the same manner as is provided for the registration of shares ; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

5 **19.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill made, accepted, or endorsed by the president or vice-president of the company and countersigned by the secretary and  
 10 treasurer of the said company, and under the general or special authority of a majority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and  
 15 in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the said president or vice-president or the secretary and treasurer be individually responsible on any bill or note made, accepted, or indorsed by him or them or behalf of the  
 20 company, provided the consideration for the said bill or note was received by the company, unless the said promissory note or bills of exchange have been issued without the sanction and authority either general or special of the board of directors as herein provided and enacted ; provided, however, that nothing  
 25 in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer intended to be circulated as money or as the notes or bills of a bank.

Company may become parties to notes.

**20.** The directors may at any time call upon the share-  
 holders for such instalments upon each share and in such pro-  
 30 portions as they may see fit ; but no such instalment shall exceed ten per centum on the subscribed stock, and one month's notice of each call shall be given as prescribed by section 13 of this Act.

Calls.

**21.** The said company shall have power to agree for con-  
 35 nections and make running arrangements with either or both the Canadian Pacific and Grand Trunk Railway Companies, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds, in value, of the shareholders at a special general meeting to be held for that purpose ; and it  
 40 shall also be lawful for the said company to enter into any agreement with either or both of said railway companies whose lines connect or may connect therewith, and which is lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of any portion of their railway or the use  
 45 thereof, or for the sale or leasing or hiring any locomotives, tenders, plant, or rolling stock or other property of either or of both or of any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be  
 50 approved of by two-thirds, in value, of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof, and the company or companies  
 55 purchasing, leasing, or entering into such an agreement for using the said railway may and are hereby authorized to work

Agreements with other companies.

the said railway and in the same manner as if incorporated with their own line ; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

5

Collection of  
back charges.

**22.** The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in and to all the rights and remedies of such persons for such charges.

10

Form of conveyance.

**23.** Conveyances of land to the said company for the purpose of said railway, under the powers given by this Act, made in the form set out in the schedule hereto annexed, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate and interest and sufficient bar of dower respectively, of all persons executing the same, and such conveyance shall be registered in such manner and upon such proof of execution as is required under the registry law of Ontario ; and no registrar shall be entitled to demand more than 75 cents for registering the same, including all entries and certificates thereof and certificates indorsed on the duplicate thereof.

25

Power to take  
land for gravel  
pits, etc., and  
to use streams.

**24—(1)** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, sidings or gravel-pits, or for constructing, maintaining and using the said railway, or for opening a street to any station from any existing highway, the said company may purchase, hold, use or enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may sell and convey the same or parts thereof from time to time as they may deem expedient, and may also make use of, for the purposes of the said railway, the water of any stream or water-course on or near which the said railway passes, doing, however, no unnecessary damage thereto and not impairing the usefulness of such stream or water-course, and the compensation to be paid to the owners for such lands or the use of such water, as also the powers of the said company to take possession thereof shall in case of difference be ascertained and exercised in the manner provided in the sections of *The Railway Act of Ontario* respecting "lands and their valuation."

35

40

(2) When estimating damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

45

Telegraph  
lines.

**25.** The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working, and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company.

50

26. The several clauses of *The Railway Act of Ontario* shall be incorporated with and be deemed to be part of this Act and shall apply to the said company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein shall be understood to include the clauses of the said *Railway Act* so incorporated with this Act. Railway Act  
incorporated.

27. The railway shall be commenced within three years and completed within six years after the passing of this Act Time for  
construction.

### SCHEDULE.

(Section 23.)

Know all men by these presents, that I (or we) [*insert the name of the vendors*], in consideration of dollars paid to me (or us) by The Manitoulin and North Shore Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) [*insert the name of any other party or parties*] in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land [*describe the land*] the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said The Manitoulin and North Shore Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*] and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this        day of        , A.D. 18    .

Signed, sealed and delivered }  
in the presence of        }

[L. S.]

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to incorporate the Manitoulin and  
North Shore Railway Company.

First Reading,	1888.
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(Private Bill.)

Mr. LYON.

TORONTO:

PRINTED BY WABWICK & SONS, 26 AND 28 FRONT ST. W.





An Act to incorporate the Manitoulin and North Shore  
Railway Company.

**W**HEREAS the construction of a line of railway to connect Preamble.  
the village of Little Current on the Manitoulin Island with  
a point on the north shore of Lake Huron, in the District of  
Algoma, on the line of the Canadian Pacific or Grand Trunk  
5 Railways at or near their intersection with the Spanish River,  
in the township of Nairn, in the district of Algoma, would  
be of general benefit and is necessary for the development of  
the resources of the Island of Manitoulin and the islands and  
country adjacent thereto; and whereas, a petition has been  
10 presented praying for the incorporation of a company for the  
construction of the said railway; and whereas it is expedient  
to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
15 as follows:—

**1.** Andrew Pearce Kilganan, Robert Adam Lyon, Martin Incorporation.  
L. McGrath, together with all such persons or corporations as  
shall in pursuance of this Act become shareholders in the  
company hereby incorporated, are hereby constituted and  
20 declared to be a body corporate and politic by the name of  
“The Manitoulin and North Shore Railway Company.”

**2.** The said company shall have full power and authority Location of line.  
to *survey*, lay out and construct, complete, and *operate* a  
double or single iron or steel railway, of the gauge of four feet  
25 eight and one-half inches in width, from the village of Little  
Current on the Manitoulin Island to a point on the north shore  
of Lake Huron, in the District of Algoma, on the line of the  
Canadian Pacific or Grand Trunk Railways, at or near their  
intersection with the Spanish River, in the township of Nairn  
30 in the district of Algoma,  with full power to pass over any  
portions of the country between the points aforesaid, and to  
carry their railway through Crown lands, if any, lying between  
the said points. 

**3.** It shall and may be lawful for the company at any Power to purchase, etc., wharves, etc.  
35 point where the railway, or any branch thereof, approaches  
within two miles of any navigable waters, to purchase and  
hold as its own absolute property, and for the use of the com-  
pany, wharves, piers, docks, water lots, water frontages and  
lands; and upon the said water lots, water frontages and lands,  
40 and in and over the waters adjoining the same, to build and  
erect elevators, storehouses, warehouses and engine houses,  
sheds, wharves, docks, piers and other erections for the use of

the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessels; and to collect wharfage, storage, and other charges for the use of the same; and also to erect, build, repair, and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works; and the said wharves, piers and docks, water lots, water frontages, lands, elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portions thereof, in its discretion to sell, lease, or convey. 5 10

Power to purchase and work vessels in connection with the railway.

4. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair, steam or other vessels, from time to time to ply on the lakes, rivers and canals of this Province, in connection with the said railway; and also to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals, in connection with the said railway. 15 20

Power to erect snow fences.

5. The company shall have the right, on and after the 15th day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and to maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law, in respect of such railway, to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the 1st day of April following. 25 30

Capital stock.

6. The capital stock of the company hereby incorporated shall be \$300,000, with power to increase the same in the manner provided in *The Railway Act of Ontario*, to be divided into 3,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said moneys shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act. 35 40

Aid to company.

7. The said company may receive from any Government or from any persons or bodies corporate or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon. 45 50

Exemption from taxation.

8. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situated, by by-law expressly passed for that pur- 55

pose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

9. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said company shall have power to accept gifts of land from any government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Grants of land.

10. The persons named in section 1 of this Act, *with power to add to their number*, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until the first election of directors under this Act.

Provisional directors.

11. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors; the said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors, shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the village of Little Current or at such other place as may best suit the interests of the said company.

Powers of Provisional Directors.

12. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said

Rights of aliens.

company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to *hold* office as directors in the said company.

Subscriptions not binding on company until ten per cent. paid.

**13.** No subscription for *stock* in the capital of the company shall be binding on the company unless *it shall be approved by resolution of the directors nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.*

First election of directors.

**14.** When and so soon as shares to the amount of \$30,000 in the capital stock of the said company shall have been subscribed, and ten per cent. thereof shall have been paid into one of the chartered banks of the Dominion, having an office in the Province of Ontario (which shall on no account be withdrawn therefrom unless for the service of the company), the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a general meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in a paper published in the village of Little Current, and in the *Ontario Gazette*, of the time, place and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect not more than nine persons to be directors of the company, in manner and qualified as hereinafter directed, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting.

How first meeting may be called if provisional directors neglect to call same.

**15.** In case the provisional directors neglect to call such meeting, to be held on some day within the space of three months after such amount of the capital stock shall have been subscribed and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than \$15,000 of the said capital stock, and who have paid up all calls thereon.

Qualifications of directors.

**16.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder, holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Annual meetings.

**17.** Thereafter, the annual *general* meeting of the shareholders of the said company shall be held at such place in the district of Algoma, and on such days and at such hours, as may be directed by the by-laws of the company, and public notice thereof shall be given at least *four weeks* previously in the *Ontario Gazette* and once in each week during the four weeks preceding the week in which such meeting is to be held, in one or more newspapers published at the village of Little Current.

Special meetings.

**18.** Special general meetings of the shareholders of the said company may be held at such places in Ontario and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company, and after due notice shall be given as provided in the last preceding section.

19. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, a majority shall form a quorum for the transaction of business, and the said board of directors may employ and pay one of their number as managing director.

Quorum of directors.

20. The said provisional directors or the elected directors may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors, for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons, be provisional or elected directors or not, and any agreements so made shall be binding on the company.

Certain payments may be made in stock or bonds.

21. It shall be lawful for the directors to enter into any contract or contracts with any individual or association of individuals for the construction or equipment of the line or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor, either in the whole or in part, either in cash or bonds, or in paid-up stock; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders, present in person or by proxy, at a meeting specially convened for considering the same.

Power to make contracts for construction of railway.

Proviso.

22. The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company and countersigned by the secretary and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata* with all the other holders thereof, upon the undertaking and property of the company as aforesaid; provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$10,000 per mile; and provided, further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Issue of bonds.

Company may  
become parties  
to notes.

**23.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted, or endorsed by the president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Calls.

**24.** Calls on the subscribed capital of the said company may be made by the directors for the time being, as they shall see fit; provided, that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at not less intervals than one month, and notice of each call shall be given as provided in section 17 of this Act.

Agreements  
with other  
companies.

**25.** The said company shall have power to agree for connections and make running arrangements with either or both the Canadian Pacific and Grand Trunk Railway Companies, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds, in value, of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into any agreement with either or both of said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of any portion of their railway or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant, or rolling stock or other property of either or of both or of any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds, in value, of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company or companies purchasing, leasing, or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Collection of  
back charges

**26.** The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer shall have the same

lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

27. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set out in the schedule hereto annexed, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned and sufficient bar of dower respectively, of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than 75 cents for registering the same, including all entries and certificates thereof and certificates indorsed on the duplicate thereof.

Form of conveyance.

28. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any parcel or lot of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto if the same be separate from their railway, and may sell and convey the same or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole lots.

29. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situated for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining of materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring gravel, etc., for construction and maintenance of railway.

30.—(1) When said gravel, sand, stone, or other material shall be taken under the preceding section of this Act at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any land which may

Sidings to gravel pits.

intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway;

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Telegraph lines.

31. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working, and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company.

Railway Act incorporated.

32. The several clauses of *The Railway Act of Ontario* shall be incorporated with and be deemed to be part of this Act and shall apply to the said company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein shall be understood to include the clauses of the said *Railway Act* so incorporated with this Act.

Time for construction.

33. The railway shall be commenced within three years and completed within six years after the passing of this Act.

## SCHEDULE.

(Section 27.)

Know all men by these presents, that I (or we) [*insert the name of the vendors*], in consideration of dollars paid to me (or us) by The Manitoulin and North Shore Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) [*insert the name of any other party or parties*] in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land [*describe the land*] the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said The Manitoulin and North Shore Railway Company, their successors and assigns [*here insert any other*



*clauses, covenants or conditions required*] and I (*or we*) the wife (*or wives*) of the said do hereby bar my (*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seals*) this        day of        , A.D. 18    .

Signed, sealed and delivered }  
in the presence of        }

[L. S.]

No. 55.

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2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL.

An Act to incorporate the Manitoulin and  
North Shore Railway Company.

*Reprinted as amended by Railway Com-  
mittee.*

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First Reading, 20th February, 1888.

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Mr. LYON.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting a certain railway debenture debt of the township of Thorah.

WHEREAS, the corporation of the then township of Thorah, under their by-law, passed on the twenty-ninth day of June, 1868, incurred a debenture debt of \$50,000, in aid of the Port Hope, Lindsay & Beaverton Railway, (now the Midland Railway Company of Canada.) maturing on the first day of July, 1888; and whereas one-half of the said debentures only have been redeemed, leaving a balance of \$25,000 unprovided for; and whereas, at the time of the passing of the said by-law the village of Beaverton formed part of the said township of Thorah, and became liable for a portion of the said debenture debt; and whereas the said corporations adjusted their liability for the said debenture debt, by an agreement made on the second day of February, 1888, whereby it was mutually arranged that the township of Thorah should be liable for \$22,000, and the village of Beaverton for \$3,000; and whereas the said corporations, by their petition, have prayed that an Act may be passed, empowering them to pass by-laws to borrow the said sums of \$22,000, and \$3,000 respectively, on new debentures, payable in twenty years at farthest from the first day of July 1888; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

- 25 1. For the purpose of paying off and retiring the said \$25,000, mentioned in the preamble to this Act, the corporation of the township of Thorah, may pass a by-law authorizing the issue of new debentures of the said corporation for the sum of \$22,000, and the corporation of the village of Beaverton may pass a by-law authorizing the issue of new debentures of the said corporation for the sum of \$3,000 which said debentures and all interest thereon shall be payable in twenty years at farthest, from the first day of July, 1888, and the said by-laws shall in all respects conform to, and comply with the provisions of section 340, and the following sections of *The Municipal Act*; provided always that such by-laws shall in all respects conform to, and comply with the provisions of the said *Municipal Act*, and the general municipal law in force in this Province, except that it shall not be necessary to obtain the assent of the electors to the passing thereof; and provided further that the said new debentures and all moneys arising therefrom shall to the full extent thereof be applied only to paying off the said sum of \$25,000 and for no other purpose whatever.
- Power to pass by-laws for issue of debentures.

2nd Session, 6th Legislature, 51 Vic., 1888

BILL.

An Act respecting a certain railway debenture debt of the township of Thorah.

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First Reading,            1888.

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(Private Bill.)

Mr. GOULD.

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TORONTO.

PRINTED BY WARWICK & SONS, 26 & 28 FRONT ST. W.

An Act respecting a certain railway debenture debt of  
the township of Thorah.

WHEREAS the corporation of the then township of  
Thorah, under their by-law, passed on the twenty-  
ninth day of June, 1868, incurred a debenture debt of \$50,-  
000, in aid of the Port Hope, Lindsay & Beaverton Railway,  
5 (now the Midland Railway Company of Canada,) maturing  
on the first day of July, 1888; and whereas one-half of the  
said debentures only have been redeemed, leaving a balance of  
\$25,000 unprovided for; and whereas at the time of the pass-  
ing of the said by-law the village of Beaverton formed part  
10 of the said township of Thorah, and became liable for a portion  
of the said debenture debt; and whereas the said corporations  
adjusted their liability for the said debenture debt, by an agree-  
ment made on the second day of February, 1888, whereby it was  
mutually arranged that the township of Thorah should be liable  
15 for \$22,000, and the village of Beaverton for \$3,000 of the said  
debt; and whereas the said corporations, by their petition, have  
prayed that an Act may be passed, empowering them to pass  
by-laws to borrow the said sums of \$22,000 and \$3,000 res-  
pectively, on new debentures, payable in twenty years at  
20 farthest from the first day of July 1888; and whereas it is  
expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly, of the Province of Ontario, enacts  
as follows:—

25 1. For the purpose of paying off and retiring the said \$25,000  
of debentures, mentioned in the preamble to this Act, the corpor-  
ation of the township of Thorah may pass a by-law authorizing  
the issue of new debentures of the said corporation for the sum  
of \$22,000, and the corporation of the village of Beaverton may  
30 pass a by-law authorizing the issue of new debentures of  
the said corporation for the sum of \$3,000, which said  
debentures and all interest thereon shall be payable in twenty  
years at farthest from the first day of July, 1888, and the  
said by-laws shall in all respects conform to, and comply  
35 with the provisions of section 340 of *The Municipal Act*  
and with all other provisions of the said *Municipal Act*, and  
the general municipal law in force in this Province, except  
that it shall not be necessary to obtain the assent of the electors  
of the passing thereof; and provided further that the said new  
40 debentures and all moneys arising therefrom shall to the full  
extent thereof be applied only to paying off the said sum of  
\$25,000 and for no other purpose whatever.

Power to pass  
by-laws for  
issue of  
debentures.

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2nd Session, 6th Legislature, 51 Vic. 1888.

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BILL.

An Act respecting a certain railway debenture debt of the township of Thorah.

*(Reprinted as amended by Railway Committee.)*

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First Reading, 17th February, 1888.

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(Private Bill.)

Mr. GOULD.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act defining a portion of the Boundary between the  
Town of Sandwich and the Township of Sandwich  
West.

WHEREAS the corporation of the township of Sandwich Preamble.

West, the corporation of the town of Sandwich and the owner of the lands hereinafter mentioned, have by their petition prayed that certain portions of park lots nine and ten, on  
5 the south side of the Centre road in the said town of Sandwich, which are separated from the said town by that main road or highway known as the Malden road, may be detached from the said town of Sandwich and annexed to the said township of Sandwich west; and whereas it is expedient to  
10 grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. From and after the passing of this Act, those certain portions of park lots nine and ten, on the south side of the Centre road in the town of Sandwich, which are more particularly described as follows:—Commencing at the south-east angle of park lot number ten, thence north seventy-four degrees, west  
15 twenty-two chains and sixty links to the east limit of the Malden road, thence north following said limit ninety links, thence north sixty-three degrees east, following the southerly limit of said Malden road fifteen chains and eighty-eight links to the westerly limit of the Huron church line, thence south  
20 twenty-eight degrees east, following said westerly limit sixteen chains and seventeen links to the place of beginning, containing by admeasurement thirteen and eighty-three one hundredths acres shall cease to be within the corporate limits of the said town of Sandwich, and shall be and become a portion of the township of Sandwich West, and shall for all purposes be  
25 within the corporate limits of the said township.

Certain lands detached from Town of Sandwich and added to Township of Sandwich West.

2. That portion of the said Malden road lying northwest of, and immediately adjoining the lands hereinbefore described, and running westerly from the intersection of the said Malden road with the said Huron church line fifteen chains and eighty-  
35 eight links, shall, after the passing of this Act, be exclusively within the jurisdiction of the said township of Sandwich West.

Portion of Malden road to be under exclusive jurisdiction of township.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act defining a portion of the Boundary  
between the Town of Sandwich and  
the Township of Sandwich West.

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First Reading, 1888.

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(Private Bill.)

MR. BALFOUR.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



An Act defining a portion of the Boundary between the  
Town of Sandwich and the Township of Sandwich  
West.

**W**HEREAS the corporation of the township of Sandwich West, the corporation of the town of Sandwich and the owner of the lands hereinafter mentioned, have by their petition prayed that certain portions of park lots nine and ten, on the south side of the Centre road in the said town of Sandwich, which are separated from the said town by that main road or highway known as the Malden road, may be detached from the said town of Sandwich and annexed to the said township of Sandwich west; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. From and after the passing of this Act, those certain portions of park lots nine and ten, on the south side of the Centre road in the town of Sandwich, which are more particularly described as follows :—Commencing at the south-east angle of park lot number ten, thence north seventy-four degrees, west twenty-two chains and sixty links to the east limit of the Malden road, thence north following said limit ninety links, thence north sixty-three degrees east, following the southerly limit of said Malden road fifteen chains and eighty-eight links to the westerly limit of the Huron church line, thence south twenty-eight degrees east, following said westerly limit sixteen chains and seventeen links to the place of beginning, containing by admeasurement thirteen and eighty-three one hundredths acres shall cease to be within the corporate limits of the said town of Sandwich, and shall be and become a portion of the township of Sandwich West, and shall for all purposes be within the corporate limits of the said township.

Certain lands detached from Town of Sandwich and added to Township of Sandwich West.

2. That portion of the said Malden road which forms a boundary limit between the said town of Sandwich and the said township of Sandwich West shall, after the passing of this Act, be exclusively within the jurisdiction of the said township of Sandwich West, and shall be kept open to the public and in repair by the said township.

Portion of Malden road to be under exclusive jurisdiction of township.

3. For the purposes of assessment this Act shall take effect as from the first day of January, 1888.

Assessment for 1888.

BILL.

An Act defining a portion of the Boundary  
between the Town of Sandwich and  
the Township of Sandwich West.

*(Reprinted as amended by Private Bills  
Committee.)*

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First Reading, 23rd February, 1888.

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(Private Bill.)

Mr. BALFOUR.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Irondale, Bancroft and Ottawa  
Railway Company.

**W**HEREAS the Irondale, Bancroft and Ottawa Railway Company, (formerly the Toronto and Nipissing Eastern Extension Railway Company) have petitioned for certain amendments to their Act of incorporation, and the Acts amending the same, and it is expedient to grant the prayer of the said petition ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- 10 **1.** The company may secure the bonds authorized by its charter to be issued by it and the interest thereon by the execution of a deed of mortgage to a trustee or trustees upon the property, undertaking and franchise of the company containing such powers, provisoes and conditions, including a  
15 power of sale or foreclosure on default, as the shareholders of the company at any special general meeting thereof may sanction, and such mortgage deed shall be deposited in the office of the Secretary of the Province of Ontario and shall be valid and binding without further registration, and a copy thereof,  
20 of, certified by the Secretary of the Province, shall be received as sufficient evidence thereof in any court of the Province.
- 2.** Any municipality desiring to grant aid to the company may make and issue its debentures therefor, payable at such time, not exceeding forty years from the date of issue, as  
25 the municipality by by-law, duly passed and assented to, may determine, with such provisions for a sinking fund for the redemption of such debentures as may be contained in such by-law.
- 3.** A general annual meeting of the shareholders of said company and any special general meeting thereof may be held on two weeks' public notice, published in the *Ontario Gazette* and in a newspaper or newspapers as required by the Act of incorporation and the by-laws of the company.
- 30 **3.** A general annual meeting of the shareholders of said company and any special general meeting thereof may be held on two weeks' public notice, published in the *Ontario Gazette* and in a newspaper or newspapers as required by the Act of incorporation and the by-laws of the company.
- 4.** The said company is hereby authorized to build a branch or extension from some point on its line of railway at present authorized to Sault Ste. Marie, by such route as may be deemed most advisable and advantageous, and all the powers of the company shall apply to such branch or extension.

Power to make mortgage to secure bonds.

Powers of municipalities as to granting aid.

Notice of meetings.

Extension of railway authorized.

BILL.

An Act respecting the Irondale, Bancroft  
and Ottawa Railway Company.

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First Reading, 23rd February, 1888.

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(Private Bill.)

MR. FELL.


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TORONTO:  
PRINTED BY WANWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Irondale, Bancroft and Ottawa  
Railway Company.

**W**HEREAS the Irondale, Bancroft and Ottawa Railway Preamble.  
Company, (formerly the Toronto and Nipissing Eastern  
Extension Railway Company) have petitioned for certain  
amendments to their Act of incorporation, and the Acts  
5 amending the same, and it is expedient to grant the prayer of  
the said petition ;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

10 **1.** Any debentures which any municipality may, under Provisions as  
to municipal  
debentures.  
any Act or provision of law in that behalf, make or issue by  
way of, or as a grant of aid to the company, may be made  
payable at any time not exceeding thirty years, but the issue  
and making of every such debenture shall in all other respects  
15 conform and be subject to all Acts and provisions of law at  
present in force in that behalf. 

**2.** The said company is hereby authorized to build a branch Branch to  
Sault Ste.  
Marie.  
or extension from some point on its line of railway, as at  
present authorized, between the village of Bancroft and  
20 Irondale to Sault Ste. Marie, by such route as may be deemed  
most advisable and advantageous, and all the powers of the  
company shall apply to such branch or extension. 

2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL.

An Act respecting the Irondale, Bancroft  
and Ottawa Railway Company.

*Reprinted as amended by Railway  
Committee.*

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First Reading, 23rd February, 1888.

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(Private Bill.)

Mr. FELL.

## An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 634 of *The Municipal Act* is hereby amended by  
5 adding thereto the following sub-section :— Rev. Stat.  
c. 184, sec. 634,  
amended.

(4 a) The council of any township municipality may pass a by-law, providing that any portion of said municipality which may be interested in securing the construction of a railway, or through or near which any railway may pass or be situated,  
10 may aid such railway by granting money or debentures by way of bonus or gift, or by way of loan to such railway, provided always that the money required for the payment of the said debentures shall, together with all interest thereon, be raised and paid by means of a special annual rate to be assessed and  
15 levied upon the ratepayers of said portion of the township municipality to be defined in the by-law.

2. Sub-section 5, of section 634 of the said Act, is hereby  
amended by adding after the word "municipality" in the  
eighth line of the said sub-section, the words "or portion of  
20 a township municipality upon which a special rate is to be levied for payment of the same." Rev. Stat.  
c. 184, sec. 634-  
(5), amended.

No. 59.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to Amend the Municipal Act.

First Reading, 23rd February, 1888.

Mr DACK

TORONTO.

PRINTED BY WARWICK & SONS, 26 & 28 FRONT ST. W.



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No. 60.]

# BILL.

[1888.

## An Act to Amend the Municipal Act.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 65 of *The Municipal Act* is hereby amended by adding thereto the following sub-sections:— Rev. Stat. c. 184, s. 65 amended.

(2) In counting the names of freeholders and householders referred to in this section, the name of the same person shall not be counted more than once in any municipality, whether the name of such person appears upon the assessment roll only once or more than once.

(3) In counting the names necessary to establish the right of a municipality to a deputy reeve or deputy reeves, farmers' sons shall not be held to be freeholders or householders within the meaning of this section.

No. 60.

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2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL.

An Act to amend the Municipal Act.

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First Reading, 23rd February, 1888.

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Mr. BALFOUR

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to regulate the closing of Shops and the Hours of Labour therein for Children and Young Persons.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The Ontario Shops' Regulation Act, 1888.*" Short title.

2.—(1) Unless the context otherwise requires, the following words and expressions in this section and in any by-law passed under the provisions of this section shall have the meaning hereby assigned to them respectively, that is to say :—

10 "Shop" means any building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail; but not where the only trade or business carried on is that of a tobacconist, news-agent, or refreshment house, nor any premises  
15 wherein, under license, spirituous or fermented liquor is sold by retail for consumption on the premises.

20 "Closed" means not open for the serving of any customer; provided that nothing in this section or in any by-law passed under authority thereof shall be deemed to render unlawful the continuance in a shop after the hour appointed for the closing thereof, of any customers who were in the shop immediately before that hour, or the serving of such customers during  
25 their continuance therein.

"Local Council" means the Municipal Council of a city, town, or incorporated village, as the case may be.

30 "Municipality" means the city, town, or incorporated village, the Municipal Council whereof, either upon application made in that behalf or otherwise, passes any by-law under the provisions of this section.

(2) Any local council may by by-law require that during the whole or any part or parts of the year, all or any class or classes of shops within the municipality shall be closed, and remain  
35 closed on each or any day of the week at and continuously after the time and hour fixed or appointed in that behalf by the by-law. By-laws determining hours of closing.

(3) If any application is received by or presented to a local council, praying for the passing of a by-law requiring the  
40 closing of any class or classes of shops situate within the municipality, Council to pass by-law on application of occupiers of shops.

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unicipality, and the council is satisfied that such application is signed by not less than three-fourths in number of the occupiers of shops within the municipality and belonging to the class or each of the classes to which such application relates, the council shall, within one month after the receipt or presentation of such application, pass a by-law giving effect to the said application and requiring all shops within the municipality, belonging to the class or classes specified in the application, to be closed during the period of the year, and at the times and hours mentioned in that behalf in the application.

Regulations as to form and proof of applications. (4) A local council may by by-law make regulations as to the form of any application to be made under the preceding sub-section, and as to the evidence to be produced respecting the proportion of persons signing such applications, and as to the classification of shops for the purposes of this section, and it shall not be compulsory upon a local council to pass a by-law under said preceding sub-section unless and until, with respect to the application made therefor, all such regulations have been duly observed.

Presentation of application. (5) If the application mentioned in the two next preceding sub-sections is delivered to the clerk of a council, it shall be deemed to have been presented to and received by the council within the meaning of said preceding sub-sections.

Commencement and publication of by-laws. (6) Every such by-law shall take effect at a date named therein, being not less than one nor more than two weeks after the passing thereof, and shall before that date be published in such manner as to the local council passing the by-law may appear best fitted to insure the publicity thereof.

By-laws to be repealed only as provided in sub-sec. 8. (7) A local council shall not have the power to repeal a by-law passed pursuant to sub-section three of this section, except as provided in the next following sub-section.

When by-law may be repealed. (8) If at any time it is made to appear to the satisfaction of a local council that more than one-third in number of the occupiers of shops to which any by-law passed by the council under the authority of sub-section three of this section relates, or of any class of such shops, are opposed to the continuance of such by-law, the local council may repeal the said by-law, or may repeal the same in so far as it affects such class of shops as aforesaid, but any such repeal shall not affect the power of the council to thereafter pass another by-law under any of the provisions of this section.

Closing of shops in which several trades are carried on. (9) A shop in which trades of two or more classes are carried on, shall be closed for the purpose of all such trades at the hour at which it is by any such by-law required to be closed for the purpose of any of them.

Exception as to sales by druggists. (10) A pharmaceutical chemist, or chemist and druggist, shall not be liable to any fine, penalty or punishment under any such by-law, for supplying medicines, drugs or medical appliances after the hour appointed by such by-law for the closing of shops; but nothing herein contained shall be deemed to authorize a pharmaceutical chemist, or chemist and druggist, to keep open shop after the said hour.

Supplying articles to lodgers. (11) Nothing in any such by-law contained shall render the occupier of any premises liable to any fine, penalty or punishment, for supplying any article to any person lodging in such premises.

(12) Where an offence for which the occupier of a shop is liable under any such by-law to any fine, penalty or punishment, has in fact been committed by some agent or servant of such occupier, such agent or servant shall be liable to the same fine, penalty or punishment as if he were the occupier.

Agent or servant to be liable to penalty.

(13) Where the occupier of a shop is charged with an offence against any such by-law, he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender, brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the said occupier proves to the satisfaction of the court that he has used due diligence to enforce the execution of the provisions of the by-law, and that the said other person committed the offence in question without his knowledge, consent or connivance, or wilful neglect or default, the said occupier shall be exempt from any fine, penalty or punishment; but the said other person shall thereupon be summarily convicted of such offence and shall be liable to the same fine, penalty or punishment therefor as if he were the occupier.

Power of occupier to exempt himself on conviction of actual offender.

(14) Subject to the provisions in this section contained, any by-law passed by a local council under the authority of this Act shall for all purposes whatsoever be deemed and taken to have been passed under and by authority of *The Municipal Act* and as if this section had formed part of *The Municipal Act*; and this section and *The Municipal Act* shall be read and construed together as if forming one Act.

By-laws to be deemed to have been passed under Rev. Stat. c. 184.

3.—(1) This section shall come into operation on the first day of January next after the passing of this Act.

Commencement of section.

(2) In this section, unless the context otherwise requires.

Interpretation.

(a) The word "shop" shall mean any retail or wholesale shop, store, booth, stall, or warehouse in which assistants are employed for hire.

(b) The expression "young person" shall mean any boy under the age of fourteen years, and any girl under the age of sixteen years, as the case may be;

(c) The word "employer" shall mean any person who in his own behalf, or as the manager, superintendent, overseer or agent for any person, firm, company or corporation, has charge of any shop and employs persons therein;

(d) The word "week" shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night;

(e) The word "parent" shall mean a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child or young girl.

(3) A young person shall not be employed in or about a shop for a longer period than seventy-four hours, including meal times, in any one week.

Employment of young persons.

Employment of young persons who have on the same day been employed in a factory.

(4) A young person shall not, to the knowledge of his employer, be employed in a shop who has been previously on the same day employed in any factory as defined by *The Ontario Factories' Act* for the number of hours permitted by the said Act, or for a longer period than will complete such number of hours. 5

Penalty imposed on employer.

(5) Where any young person is employed in or about a shop contrary to the provisions of this section, the employer shall, upon conviction thereof, be liable to a fine not exceeding twenty dollars for each person so employed, with costs of the prosecution; and in default of immediate payment of such fine and costs, to be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding one month. 10

Penalty imposed on parent.

(6) The parent of any young person employed in a shop in contravention of this section shall, unless such employment is without the consent, connivance or wilful default of such parent, be guilty of an offence in contravention of this Act, and shall for each offence, on summary conviction thereof, incur and pay a fine of not more than twenty dollars and costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county wherein the offence was committed for a period not exceeding one month. 15 20

Notice of hours of employment to be exhibited in shop.

(7) In every shop in which any young person is employed there shall be kept exhibited by the employer in a conspicuous place a notice referring to the provisions of this Act and stating the number of hours in the week during which a young person may lawfully be employed therein; and such notice may be according to Form A in the Schedule to this Act. 25 30

Power of employer to exempt himself on conviction of actual offender.

(8) Where the employer of a young person, as defined in this section, is charged with an offence against this section, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the said employer proves to the satisfaction of the court that he has used due diligence to enforce the execution of the provisions of this section, and that the said other person has committed the offence in question without his knowledge, consent, or connivance, the employer shall be exempt from any fine, penalty or punishment; but the said other person shall thereupon be summarily convicted of such offence, and shall be liable to the same fine, penalty or punishment therefor as if he were the employer. 35 40 45

Section not to apply when persons employed are at home.

(9) Nothing in this section shall apply to a shop where the only persons employed therein are at home, that is to say, are members of the same family dwelling there, or to members of the employer's family dwelling in a house to which the shop is attached. 50

Proof of age of young person.

(10) Where a young person is, in the opinion of the court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the young person is not of that age.

Restriction as to cumulative penalties.

(11) A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger fine, 55

penalty or punishment than the highest fine, penalty or punishment fixed by this section for the offence, except:—

- 5 (a) Where the repetition of the offence occurs after an information has been laid for the previous offence; or,
- (b) Where the offence is one of employing two or more young persons contrary to the provisions of this section.
- 10 (12) All fines or penalties in money imposed or recovered under or in pursuance of this section shall be paid by the convicting Justices or Police Magistrate, as the case may be, to the Treasurer of the township, city, town, or incorporated village wherein the offence for which the fine or penalty is imposed has been committed. Application of fines and penalties.
- 15 (13) The following provisions shall have effect with respect to summary proceedings for offences and fines under this section: Limitation of time and general provisions as to summary proceedings.
- (a) The information shall be laid within one month after the commission of the offence.
- 20 (b) The description of an offence in the words of this section, or in similar words, shall be sufficient in law.
- (c) Any exception, exemption, proviso, excuse or qualification, whether it does or not accompany the description of the offence in this section, may be proved by the defendant, but need not be specified or negatived in the information; and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.
- 25 (d) It shall be sufficient to allege that a shop is a shop within the meaning of this section, without more.
- (e) It shall be sufficient to state the name of the ostensible employer or the title of the firm by which the employer employing persons in the shop is usually known.
- 30 (f) A conviction or order made in any matter arising under this section either originally or on appeal, shall not be quashed for want of form.
- 35 (14) All prosecutions under this section may be brought and heard before any of Her Majesty's Justices of the Peace in and for the county where the penalty was incurred or the offence was committed or wrong done, and in cities, towns, and incorporated in which there is a police magistrate, before such police magistrate; and save where otherwise provided by this section the procedure shall be governed by *The Act respecting Summary Convictions before Justices of the Peace and Appeals* Rev. Stat. c. 74.
- 45 *to General Sessions.*

## SCHEDULE.

(FORM A.)

"THE ONTARIO SHOPS' REGULATION ACT, 1888."

The following are sub-sections 2, 3, 4, 5 and 6 of section three of the above-mentioned Act :—

(2) In this section, unless the context otherwise requires,

- (a) The word "shop" shall mean any retail or wholesale shop, store, booth, stall, or warehouse in which assistants are employed for hire ;
- (b) The expression "young person" shall mean a person under the age of sixteen years ;
- (c) The word "employer" shall mean any person who in his own behalf, or as the manager, superintendent, overseer or agent for any person, firm, company or corporation, has charge of any shop and employs persons therein ;
- (d) The word "week" shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night ;
- (e) The word "parent" shall mean a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child or young girl .

(3) A young person shall not be employed in or about a shop for a longer period than seventy-four hours, including meal times, in any one week.

(4) A young person shall not, to the knowledge of his employer, be employed in a shop who has been previously on the same day employed in any factory as defined by "*The Ontario Factories' Act*" for the number of hours permitted by the said Act, or for a longer period than will complete such number of hours.

(5) Where any young person is employed in or about a shop contrary to the provisions of this section, the employer shall, upon conviction thereof, be liable to a fine not exceeding twenty dollars for each person so employed, with costs of the prosecution, and in default of immediate payment of such fine and costs, to be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding one month.

(6) The parent of any young person employed in a shop in contravention of this section shall, unless such employment is without the consent, connivance or wilful default of such parent, be guilty of an offence in contravention of this Act, and shall for each offence on summary conviction thereof incur and pay a fine of not more than twenty dollars and costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county wherein the offence was committed for a period not exceeding one month.





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2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL.

An Act to regulate the closing of Shops  
and the Hours of Labor therein for  
Children and Young Persons.

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First Reading, 27th January, 1888.

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MR. FRASER.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to regulate the closing of Shops and the Hours of Labour therein for Children and Young Persons.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Ontario Shops' Regulation Act, 1888.*" Short title.

2.—(1) Unless the context otherwise requires, the following words and expressions in this section and in any by-law passed under the provisions of this section shall have the meaning hereby assigned to them respectively, that is to say:—

10 "Shop" means any building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail; but not where the only trade or business carried on is that of a tobacconist, news-agent, *hotel, inn, tavern, victualling house,*  
15 or refreshment house, nor any premises wherein, under license, spirituous or fermented liquor is sold by retail for consumption on the premises.

"Closed" means not open for the serving of any customer; provided that nothing in this section or in any by-law passed under authority thereof shall be deemed to render unlawful the continuance in a shop after the hour appointed for the closing thereof, of any customers who were in the shop immediately before that hour, or the serving of such customers during their continuance therein.

25 "Local Council" means the Municipal Council of a city, town, or incorporated village, as the case may be.

30 "Municipality" means the city, town, or incorporated village, the Municipal Council whereof, either upon application made in that behalf or otherwise, passes any by-law under the provisions of this section.

(2) Any local council may by by-law require that during the whole or any part or parts of the year, all or any class or classes of shops within the municipality shall be closed, and remain  
35 closed on each or any day of the week at and continuously after the time and hour fixed or appointed in that behalf by the by-law. By-laws determining hours of closing.

(3) If any application is received by or presented to a local council, praying for the passing of a by-law requiring the  
40 closing of any class or classes of shops situate within the muni- Council to pass by-law on application of occupiers of shops.

- unicipality, and the council is satisfied that such application is signed by not less than three-fourths in number of the occupiers of shops within the municipality and belonging to the class or each of the classes to which such application relates, the council shall, within one month after the receipt or presentation of such application, pass a by-law giving effect to the said application and requiring all shops within the municipality, belonging to the class or classes specified in the application, to be closed during the period of the year, and at the times and hours mentioned in that behalf in the application. 5 10
- Regulations as to form and proof of applications.** (4) A local council may by by-law make regulations as to the form of any application to be made under the preceding sub-section, and as to the evidence to be produced respecting the proportion of persons signing such applications, and as to the classification of shops for the purposes of this section, and it shall not be compulsory upon a local council to pass a by-law under said preceding sub-section unless and until, with respect to the application made therefor, all such regulations have been duly observed. 15
- Presentation of application.** (5) If the application mentioned in the next preceding two sub-sections is delivered to the clerk of a council, it shall be deemed to have been presented to and received by the council within the meaning of said preceding sub-sections. 20
- Commencement and publication of by-laws.** (6) Every such by-law shall take effect at a date named therein, being not less than one nor more than two weeks after the passing thereof, and shall before that date be published in such manner as to the local council passing the by-law may appear best fitted to insure the publicity thereof. 25
- By-laws to be repealed only as provided in sub-sec. 8.** (7) A local council shall not have the power to repeal a by-law passed pursuant to sub-section three of this section, except as provided in the next following sub-section. 30
- When by-law may be repealed.** (8) If at any time it is made to appear to the satisfaction of a local council that more than one-third in number of the occupiers of shops to which any by-law passed by the council under the authority of sub-section three of this section relates, or of any class of such shops, are opposed to the continuance of such by-law, the local council may repeal the said by-law, or may repeal the same in so far as it affects such class of shops as aforesaid, but any such repeal shall not affect the power of the council to thereafter pass another by-law under any of the provisions of this section. 35 40
- Closing of shops in which several trades are carried on.** (9) A shop in which trades of two or more classes are carried on, shall be closed for the purpose of all such trades at the hour at which it is by any such by-law required to be closed for the purpose of any of them. 45
- Exception as to sales by druggists.** (10) A pharmaceutical chemist, or chemist and druggist shall not be nor shall any occupier of or person employed in or about a shop in any village be liable to any fine, penalty or punishment under any such by-law, for supplying medicines, drugs or medical appliances after the hour appointed by such by-law for the closing of shops; but nothing herein contained shall be deemed to authorize any person whomsoever to keep open shop after the said hour. 50
- Supplying articles to lodgers.** (11) Nothing in any such by-law contained shall render the occupier of any premises liable to any fine, penalty or punishment, for supplying any article to any person lodging in such premises. 55

(12) Where an offence for which the occupier of a shop is liable under any such by-law to any fine, penalty or punishment, has in fact been committed by some agent or servant of such occupier, such agent or servant shall be liable to the same fine, penalty or punishment as if he were the occupier.

Agent or servant to be liable to penalty.

(13) Where the occupier of a shop is charged with an offence against any such by-law, he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender, brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the said occupier proves to the satisfaction of the court that he has used due diligence to enforce the execution of the provisions of the by-law, and that the said other person committed the offence in question without his knowledge, consent or connivance, or wilful neglect or default, the said occupier shall be exempt from any fine, penalty or punishment; but the said other person shall thereupon be summarily convicted of such offence and shall be liable to the same fine, penalty or punishment therefor as if he were the occupier.

Power of occupier to exempt himself on conviction of actual offender.

(14) Subject to the provisions in this section contained, any by-law passed by a local council under the authority of this Act shall for all purposes whatsoever be deemed and taken to have been passed under and by authority of *The Municipal Act* and as if this section had formed part of *The Municipal Act*; and this section and *The Municipal Act* shall be read and construed together as if forming one Act.

By-laws to be deemed to have been passed under Rev. Stat. c. 184.

3.—(1) This section shall come into operation on the first day of January next after the passing of this Act.

Commencement of section.

(2) In this section, unless the context otherwise requires,

Interpretation.

(a) The word "shop" shall mean any retail or wholesale shop, store, booth, stall, or warehouse in which assistants are employed for hire.

(b) The expression "young person" shall mean any boy under the age of fourteen years, and any girl under the age of sixteen years, as the case may be; but shall not mean or include any person whose usual and ordinary employment in or about a shop is that of a driver of a delivery waggon, van or vehicle;

(c) The word "employer" shall mean any person who in his own behalf, or as the manager, superintendent, overseer or agent for any person, firm, company or corporation, has charge of any shop and employs persons therein;

(d) The word "week" shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night;

(e) The word "parent" shall mean a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child or young girl.

Employment  
of young  
persons.

(3) A young person shall not be employed in or about a shop for a longer period than seventy-four hours, including meal times, in any one week; ~~and~~ nor shall a young person be so employed during any Saturday for more than fourteen hours, including meal times, nor during any other day for more than twelve hours, including meal times, unless a different apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on some other day of the week; and there shall be allowed as meal times to every young person so employed not less than one hour for the noon day meal on each day, and to every young person so employed on any day to any hour later than seven of the clock in the afternoon, not less than forty-five minutes for another or evening meal, between five and eight of the clock in the afternoon. ~~and~~

Employment  
of young  
persons who  
have on the  
same day been  
employed in a  
factory.

(4) A young person shall not, to the knowledge of his employer, be employed in a shop who has been previously on the same day employed in any factory as defined by *The Ontario Factories' Act* for the number of hours permitted by the said Act, or for a longer period than will complete such number of hours.

Penalty im-  
posed on em-  
ployer.

(5) Where any young person is employed in or about a shop contrary to the provisions of this section, the employer shall, upon conviction thereof, be liable to a fine not exceeding twenty dollars for each person so employed, with costs of the prosecution; and in default of immediate payment of such fine and costs, to be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding one month.

Penalty im-  
posed on  
parent.

(6) The parent of any young person employed in a shop in contravention of this section shall, unless such employment is without the consent, connivance or wilful default of such parent, be guilty of an offence in contravention of this Act, and shall for each offence, on summary conviction thereof, incur and pay a fine of not more than twenty dollars and costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county wherein the offence was committed for a period not exceeding one month.

Seats for use  
of employees.

(7) The occupier of any shop in which are employed females shall at all times provide and keep therein a sufficient and suitable seat or chair for the use of every such female, and shall permit her to use such seat or chair when not necessarily engaged in the work or duty for which she is employed in such shop, and any person offending against any of the provisions of this sub-section shall upon conviction thereof be liable to a fine not exceeding twenty dollars, with costs of the prosecution, and in default of immediate payment of such fine and costs, to be imprisoned in the common gaol of the county within which the offence was committed for a period not exceeding one month. ~~and~~

Notice of  
hours of em-  
ployment to  
be exhibited  
in shop.

(8) In every shop in which any young person is employed there shall be kept exhibited by the employer in a conspicuous place a notice referring to the provisions of this Act and stating the number of hours in the week during which a young person may lawfully be employed therein; and such notice may be according to Form A in the Schedule to this Act.

(9) Where the employer of a young person, as defined in this section, is charged with an offence against *any of the provisions* of this section, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and it, after the commission of the offence has been proved, the said employer proves to the satisfaction of the court that he has used due diligence to enforce the execution of the provisions of this section, and that the said other person has committed the offence in question without his knowledge, consent, or connivance, the employer shall be exempt from any fine, penalty or punishment; but the said other person shall thereupon be summarily convicted of such offence, and shall be liable to the same fine, penalty or punishment therefor as if he were the employer.

Power of employer to exempt himself on conviction of actual offender.

(10) Nothing in this section shall apply to a shop where the only persons employed therein are at home, that is to say, are members of the same family dwelling there, or to members of the employer's family dwelling in a house to which the shop is attached.

Section not to apply when persons employed are at home.

(11) Where a young person is, in the opinion of the court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the young person is not of that age.

Proof of age of young person.

(12) A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger penalty or punishment than the highest fine, penalty or punishment fixed by this section for the offence, except:—

Restriction as to cumulative penalties.

(a) Where the repetition of the offence occurs after an information has been laid for the previous offence; or,

(b) Where the offence is one of employing two or more young persons contrary to the provisions of this section.

(13) All fines or penalties in money imposed or recovered under or in pursuance of this section shall be paid by the convicting Justices or Police Magistrate, as the case may be, to the Treasurer of the township, city, town, or incorporated village wherein the offence for which the fine or penalty is imposed has been committed.

Application of fines and penalties.

(14) The following provisions shall have effect with respect to summary proceedings for offences and fines under this section:

Limitation of time and general provisions as to summary proceedings.

(a) The information shall be laid within one month after the commission of the offence.

(b) The description of an offence in the words of this section, or in similar words, shall be sufficient in law.

(c) Any exception, exemption, proviso, excuse or qualification, whether it does or not accompany the description of the offence in this section, may be proved by the defendant, but need not be specified or negatived in the information; and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

- (d) It shall be sufficient to allege that a shop is a shop within the meaning of this section, without more.
- (e) It shall be sufficient to state the name of the ostensible employer or the title of the firm by which the employer employing persons in the shop is usually known. 5
- (f) A conviction or order made in any matter arising under this section either originally or on appeal, shall not be quashed for want of form.

Prosecutions  
and procedure

(15) All prosecutions under this section may be brought and heard before any of Her Majesty's Justices of the Peace in and for the county where the penalty was incurred or the offence was committed or wrong done, and in cities, towns, and incorporated villages in which there is a police magistrate, before such police magistrate; and save where otherwise provided by this section the procedure shall be governed by *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions.* 10 15

Rev. Stat.  
c. 74.

## SCHEDULE.

(FORM A.)

### "THE ONTARIO SHOPS' REGULATION ACT, 1888."

The following are sub-sections 2, 3, 4, 5 and 6 of section three of the above-mentioned Act :—

- (2) In this section, unless the context otherwise requires,
- (a) The word "shop" shall mean any retail or wholesale shop, store, booth, stall, or warehouse in which assistants are employed for hire;
- (b) The expression "young person" shall mean any boy under the age of fourteen years, ~~and~~ and any girl under the age of sixteen years, as the case may be; but shall not mean nor include any person whose usual and ordinary employment is that of a driver of a delivery waggon, van or vehicle; ~~and~~
- (c) The word "employer" shall mean any person who in his own behalf, or as the manager, superintendent, overseer or agent for any person, firm, company or corporation, has charge of any shop and employs persons therein;
- (d) The word "week" shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night;
- (e) The word "parent" shall mean a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child or young girl.

(3) A young person shall not be employed in or about a shop for a longer period than seventy-four hours, including meal times, in any one week; ~~and~~ nor shall a young person be so employed during any Saturday for more than fourteen hours, including meal times, nor during any other day for more than twelve hours, including meal times, unless a different apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on some other day of the week; and there shall be allowed, as meal times to every young person so employed, not less than one hour for the noon day meal on each day, and to every young person so employed on any day, to any hour later than seven of the clock in the afternoon, not less than forty-five minutes for another or evening meal, between five and eight of the clock in the afternoon. ~~and~~

(4) A young person shall not, to the knowledge of his employer, be employed in a shop who has been previously on the same day employed in any factory as defined by "*The Ontario Factories' Act*" for the number of hours permitted by the said Act, or for a longer period than will complete such number of hours.



(5) Where any young person is employed in or about a shop contrary to the provisions of this section, the employer shall, upon conviction thereof, be liable to a fine not exceeding twenty dollars for each person so employed, with costs of the prosecution, and in default of immediate payment of such fine and costs, to be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding one month.

(6) The parent of any young person employed in a shop in contravention of this section shall, unless such employment is without the consent, connivance or wilful default of such parent, be guilty of an offence in contravention of this Act, and shall for each offence on summary conviction thereof incur and pay a fine of not more than twenty dollars and costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county wherein the offence was committed for a period not exceeding one month.

~~7~~(7) The occupier of any shop in which are employed females, shall at all times provide and keep therein a sufficient and suitable seat or chair for the use of every such female, and shall permit her to use such seat or chair when not necessarily engaged in the work or duty for which she is employed in such shop; and any person offending against any of the provisions of this sub-section shall, upon conviction thereof, be liable to a fine not exceeding twenty dollars, with costs of the prosecution, and in default of immediate payment of such fine and costs, to be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding one month. ~~8~~

BILL.

An Act to regulate the closing of Shops  
and the Hours of Labour therein for  
Children and Young Persons.

*Reprinted as amended by Committee of  
Whole House.*

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First Reading, 27th January, 1888.

Second " 9th March, 1888.

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MR. FRASER.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to regulate the closing of Shops and the Hours of Labour therein for Children and Young Persons.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Ontario Shops' Regulation Act, 1888.*" Short title.

2.—(1) Unless the context otherwise requires, the following words and expressions in this section and in any by-law passed under the provisions of this section shall have the meaning hereby assigned to them respectively, that is to say:— Interpretation.

10 "Shop" means any building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail; but not where the only trade or business carried on is that of a tobacconist, news-agent, *hotel, inn, tavern, victualling house,*

15 or refreshment house, nor any premises wherein, under license, spirituous or fermented liquor is sold by retail for consumption on the premises.

"Closed" means not open for the serving of any customer; provided that nothing in this section or in any by-law passed under authority thereof shall be deemed to render unlawful the continuance in a shop after the hour appointed for the closing thereof, of any customers who were in the shop immediately before that hour, or the serving of such customers during

20 their continuance therein.


25

"Local Council" means the Municipal Council of a city, town, or incorporated village, as the case may be.

"Municipality" means the city, town, or incorporated village, the Municipal Council whereof, either upon application made in that behalf or otherwise, passes

30 any by-law under the provisions of this section.

(2) Any local council may by by-law require that during the whole or any part or parts of the year, all or any class or classes of shops within the municipality shall be closed, and remain closed on each or any day of the week at and continuously after the time and hour fixed or appointed in that behalf by the by-law, ~~but~~ but any such time or hour fixed or appointed by a by-law passed under the authority of this sub-section shall not be earlier than seven of the clock in the afternoon of

35 any day. 

40

By-laws determining hours of closing.

Council to pass by-law on application of occupiers of shops.

(3) If any application is received by or presented to a local council, praying for the passing of a by-law requiring the closing of any class or classes of shops situate within the municipality, and the council is satisfied that such application is signed by not less than three-fourths in number of the occupiers of shops within the municipality and belonging to the class or each of the classes to which such application relates, the council shall, within one month after the receipt or presentation of such application, pass a by-law giving effect to the said application and requiring all shops within the municipality, belonging to the class or classes specified in the application, to be closed during the period of the year, and at the times and hours mentioned in that behalf in the application. 5 10

Regulations as to form and proof of applications.

(4) A local council may by by-law make regulations as to the form of any application to be made under the preceding sub-section, and as to the evidence to be produced respecting the proportion of persons signing such application, and as to the classification of shops for the purposes of this section, and it shall not be compulsory upon a local council to pass a by-law under said preceding sub-section unless and until, with respect to the application made therefor, all such regulations have been duly observed. 15 20

Presentation of application.

(5) If the application mentioned in the next preceding two sub-sections is delivered to the clerk of a council, it shall be deemed to have been presented to and received by the council within the meaning of said preceding sub-sections. 25

Commencement and publication of by-laws.

(6) Every such by-law shall take effect at a date named therein, being not less than one nor more than two weeks after the passing thereof, and shall before that date be published in such manner as to the local council passing the by-law may appear best fitted to insure the publicity thereof. 30

By-laws to be repealed only as provided in sub-sec. 8.

(7) A local council shall not have the power to repeal a by-law passed pursuant to sub-section 3 of this section, except as provided in the next following sub-section.

When by-law may be repealed.



(8) If at any time it is made to appear to the satisfaction of a local council that more than one-third in number of the occupiers of shops to which any by-law passed by the council under the authority of sub-section 3 of this section relates, or of any class of such shops, are opposed to the continuance of such by-law, the local council may repeal the said by-law, or may repeal the same in so far as it affects such class of shops as aforesaid, but any such repeal shall not affect the power of the council to thereafter pass another by-law under any of the provisions of this section. 35 40 45

Closing of shops in which several trades are carried on.

(9) A shop in which trades of two or more classes are carried on, shall be closed for the purpose of all such trades at the hour at which it is by any such by-law required to be closed for the purpose of ~~that~~ that one of such trades as is the principal trade carried on in said shop. 50

Exception as to sales by druggists.



(10) A pharmaceutical chemist, or chemist and druggist shall not ~~be~~ nor shall any occupier of or person employed in or about a shop in any village ~~be~~ be liable to any fine, penalty or punishment under any such by-law, for supplying medicines, drugs or medical appliances after the hour appointed by such by-law for the closing of shops; but nothing herein contained shall be deemed to authorize *any person whomsoever* to keep open shop after the said hour. 55

- (11) Nothing in any such by-law contained shall render the occupier of any premises liable to any fine, penalty or punishment, for supplying any article to any person lodging in such premises,  or for supplying any article required for immediate use by reason or because of any emergency arising from sickness, ailment or death ; but nothing herein contained shall be deemed to authorize any person whomsoever to keep open shop after the hour appointed by such by-law for the closing of shops. 
- 10 (12) Where an offence for which the occupier of a shop is liable under any such by-law to any fine, penalty or punishment, has in fact been committed by some agent or servant of such occupier, such agent or servant shall be liable to the same fine, penalty or punishment as if he were the occupier. Agent or servant to be liable to penalty.
- 15 (13) Where the occupier of a shop is charged with an offence against any such by-law, he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender, brought before the Court at the time appointed for hearing the charge ; and if, after the com-  
20 mission of the offence has been proved, the said occupier proves to the satisfaction of the Court that he has used due diligence to enforce the execution of the provisions of the by-law, and that the said other person committed the offence in question without his knowledge, consent or connivance, or  
25 wilful neglect or default, the said occupier shall be exempt from any fine, penalty or punishment ; but the said other person shall thereupon be summarily convicted of such offence and shall be liable to the same fine, penalty or punishment therefor as if he were the occupier. Power of occupier to exempt himself on conviction of actual offender.
- 30 (14) Subject to the provisions in this section contained, any by-law passed by a local council under the authority of this Act shall for all purposes whatsoever be deemed and taken to have been passed under and by authority of *The Municipal Act* and as if this section had formed part of *The Municipal Act* ; and this section and *The Municipal Act* shall be read  
35 and construed together as if forming one Act. By-laws to be deemed to have been passed under Rev. Stat. c. 184.

3.—(1) This section shall come into operation on the first day of January next after the passing of this Act. Commencement of section.

(2) In this section, unless the context otherwise requires, Interpretation.

40 (a) The word "shop" shall mean any retail or wholesale shop, store, booth, stall, or warehouse in which assistants are employed for hire.

(b) The expression "young person" shall mean any boy under the age of fourteen years, and any girl under the age of sixteen years, as the case may be ;  but shall not mean or include any person whose usual and ordinary employment in or about a shop is that of a driver of a delivery waggon, van or vehicle ; 

50 (c) The word "employer" shall mean any person who in his own behalf, or as the manager, superintendent, overseer or agent for any person, firm, company or corporation, has charge of any shop and employs persons therein ;

(d) The word "week" shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night;

(e) The word "parent" shall mean a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child or young girl. 5

Employment of young persons.

(3) A young person shall not be employed in or about a shop for a longer period than seventy-four hours, including meal times, in any one week; ~~nor~~ nor shall a young person be so employed during any Saturday for more than fourteen hours, including meal times, nor during any other day for more than twelve hours, including meal times, unless a different apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on some other day of the week; and there shall be allowed as meal times to every young person so employed not less than one hour for the noon day meal on each day, and to every young person so employed on any day to any hour later than seven of the clock in the afternoon, not less than forty-five minutes for another or evening meal, between five and eight of the clock in the afternoon. 10 15 20

Employment of young persons who have on the same day been employed in a factory.

(4) A young person shall not, to the knowledge of his employer, be employed in a shop who has been previously on the same day employed in any factory as defined by *The Ontario Factories' Act* for the number of hours permitted by the said Act, or for a longer period than will complete such number of hours. 25

Penalty imposed on employer.

(5) Where any young person is employed in or about a shop contrary to the provisions of this section, the employer shall, upon conviction thereof, be liable to a fine not exceeding \$20 for each person so employed, with costs of the prosecution; and in default of immediate payment of such fine and costs, to be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding one month. 30 35

Penalty imposed on parent.

(6) The parent of any young person employed in a shop in contravention of this section shall, unless such employment is without the consent, connivance or wilful default of such parent, be guilty of an offence in contravention of this Act, and shall for each offence, on summary conviction thereof, incur and pay a fine of not more than \$20 and costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county wherein the offence was committed for a period not exceeding one month. 40 45

Seats for use of employees.

(7) The occupier of any shop in which are employed females shall at all times provide and keep therein a sufficient and suitable seat or chair for the use of every such female, and shall permit her to use such seat or chair when not necessarily engaged in the work or duty for which she is employed in such shop; and any person offending against any of the provisions of this sub-section shall upon conviction thereof be liable to a fine not exceeding \$20, with costs of the prosecution, and in default of immediate payment of such 50 55

fine and costs, to be imprisoned in the common gaol of the county within which the offence was committed for a period not exceeding one month.

- (8) In every shop in which any young person is employed there shall be kept exhibited by the employer in a conspicuous place a notice referring to the provisions of this Act and stating the number of hours in the week during which a young person may lawfully be employed therein; and such notice may be according to Form A in the Schedule to this Act. Notice of hours of employment to be exhibited in shop.
- 10 (9) Where the employer of a young person, as defined in this section, is charged with an offence against *any of the provisions* of this section, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the Power of employer to exempt himself on conviction of actual offender.
- 15 Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the said employer proves to the satisfaction of the Court that he has used due diligence to enforce the execution of the provisions of this section, and that the said other person has committed the offence in question without his knowledge, consent, or connivance, the employer shall be exempt from any fine, penalty or punishment; but the said other person shall thereupon be summarily convicted of such offence, and shall be liable to the same fine, penalty or punishment therefor as if he were the employer.
- (10) Nothing in this section shall apply to a shop where the only persons employed therein are at home, that is to say, are members of the same family dwelling there, or to members of the employer's family dwelling in a house to which the shop is attached. Section not to apply when persons employed are at home.
- 30 (11) Where a young person is, in the opinion of the Court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the young person is not of that age. Proof of age of young person.
- (12) A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger fine penalty or punishment than the highest fine, penalty or punishment fixed by this section for the offence, except:— Restriction as to cumulative penalties.
- (a) Where the repetition of the offence occurs after an information has been laid for the previous offence; or,
- 40 (b) Where the offence is one of employing two or more young persons contrary to the provisions of this section.
- (13) All fines or penalties in money imposed or recovered under or in pursuance of this section shall be paid by the convicting Justices or Police Magistrate, as the case may be, to the treasurer of the township, city, town, or incorporated village wherein the offence for which the fine or penalty is imposed has been committed. Application of fines and penalties.
- 45 (14) The following provisions shall have effect with respect to summary proceedings for offences and fines under this section: Limitation of time and general provisions as to summary proceedings.
- (a) The information shall be laid within one month after the commission of the offence.

- (b) The description of an offence in the words of this section, or in similar words, shall be sufficient in law.
- (c) Any exception, exemption, proviso, excuse or qualification, whether it does or not accompany the description of the offence in this section, may be proved by the defendant, but need not be specified or negatived in the information; and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.
- (d) It shall be sufficient to allege that a shop is a shop within the meaning of this section, without more.
- (e) It shall be sufficient to state the name of the ostensible employer or the title of the firm by which the employer employing persons in the shop is usually known.
- (f) A conviction or order made in any matter arising under this section either originally or on appeal, shall not be quashed for want of form.

Prosecutions  
and procedure.

(15) All prosecutions under this section may be brought and heard before any of Her Majesty's Justices of the Peace in and for the county where the penalty was incurred or the offence was committed or wrong done, and in cities, towns, and incorporated villages in which there is a police magistrate, before such police magistrate; and save where otherwise provided by this section the procedure shall be governed by *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*.

## SCHEDULE.

(FORM A.)

“THE ONTARIO SHOPS’ REGULATION ACT, 1888.”

The following are sub-sections 2, 3, 4, 5 and 6 of section 3 of the above-mentioned Act:—

(2) In this section, unless the context otherwise requires,

- (a) The word “shop” shall mean any retail or wholesale shop, store, booth, stall, or warehouse in which assistants are employed for hire;
- (b) The expression “young person” shall mean any boy under the age of fourteen years, and any girl under the age of sixteen years, as the case may be; but shall not mean nor include any person whose usual and ordinary employment is that of a driver of a delivery waggon, van or vehicle;
- (c) The word “employer” shall mean any person who in his own behalf, or as the manager, superintendent, overseer or agent for any person, firm, company or corporation, has charge of any shop and employs persons therein;
- (d) The word “week” shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night;
- (e) The word “parent” shall mean a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child or young girl.

(3) A young person shall not be employed in or about a shop for a longer period than seventy-four hours, including meal times, in any one week; nor shall a young person be so employed during any Saturday for more than fourteen hours, including meal times, nor during any other day for more than twelve hours, including meal times, unless a different



apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on some other day of the week ; and there shall be allowed as meal times to every young person so employed not less than one hour for the noon day meal on each day, and to every young person so employed on any day, to any hour later than seven of the clock in the afternoon, not less than forty-five minutes for another or evening meal, between five and eight of the clock in the afternoon. ~~§~~

(4) A young person shall not, to the knowledge of his employer, be employed in a shop who has been previously on the same day employed in any factory as defined by " *The Ontario Factories' Act* " for the number of hours permitted by the said Act, or for a longer period than will complete such number of hours.

(5) Where any young person is employed in or about a shop contrary to the provisions of this section, the employer shall, upon conviction thereof, be liable to a fine not exceeding \$20 for each person so employed, with costs of the prosecution, and in default of immediate payment of such fine and costs, to be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding one month.

(6) The parent of any young person employed in a shop in contravention of this section shall, unless such employment is without the consent, connivance or wilful default of such parent, be guilty of an offence in contravention of this Act, and shall for each offence on summary conviction thereof incur and pay a fine of not more than \$20 and costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county wherein the offence was committed for a period not exceeding one month.

~~§~~(7) The occupier of any shop in which are employed females, shall at all times provide and keep therein a sufficient and suitable seat or chair for the use of every such female, and shall permit her to use such seat or chair when not necessarily engaged in the work or duty for which she is employed in such shop ; and any person offending against any of the provisions of this sub-section shall, upon conviction thereof, be liable to a fine not exceeding \$20, with costs of the prosecution, and in default of immediate payment of such fine and costs, to be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding one month. ~~§~~

2nd Session, 6th Legislature, 51 Vic. 1888.

BILL.

An Act to regulate the closing of Shops  
and the Hours of Labour therein for  
Children and Young Persons.

*Re-printed as again amended by Committee  
of Whole House.*

First Reading, 27th January, 1888.  
Second " 9th March, 1888.

MR. FRASER.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting ancillary Probates and Letters of Administration.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Where any Probate or Letters of Administration, or other legal document purporting to be of the same nature, granted by a court of competent jurisdiction in the United Kingdom, or in any Province of the Dominion, or in any other British Province, is produced to, and a copy thereof deposited with, the Registrar of any Surrogate Court of this Province, and the prescribed fees are paid to the Surrogate Court as on a Grant of Probate or Administration, the Probate, or Letters of Administration or other document aforesaid, shall be sealed with the seal of the Surrogate Court, and shall thereupon be of the like force and effect in Ontario, as respects personal estate only, as if the same had been originally granted by the said Surrogate Court of this Province, and shall (so far as regards this Province) be subject to any orders of the last mentioned Court, or on appeal therefrom, as if the Probate or Letters of Administration had been granted thereby. (Imp. 20 and 21 Viet. ch. 79, s. 95; and 21 and 22 Viet. c. 56, s. 12; Con. St. L. C. chap. 91; and Acts of New Zealand, South Australia, Tasmania and Western Australia.)

Manner of giving effect to Grants of Probate, etc., of English or Colonial Courts.

2. This Act shall not go into force or effect as relates to the United Kingdom, or to any Province other than the Provinces of the Dominion, until a day or days respectively to be named with respect thereto by Proclamation of the Lieutenant-Governor.

Commencement of Act.

BILL

An Act respecting ancillary Probates and  
Letters of Administration.

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First Reading, 27th January, 1888.

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The ATTORNEY-GENERAL.

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TORONTO:

PRINTED BY WARWICK & SON, 26 AND 28 FRONT ST. W.

An Act respecting ancillary Probates and Letters of Administration.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1.—(1) Where any Probate or Letters of Administration, or Manner of giving effect to Grants of Probate, etc. of English or Colonial Courts.  
 5 other legal document purporting to be of the same nature, granted by a Court of competent jurisdiction in the United Kingdom, or in any Province or territory of the Dominion, or in any other British Province, is produced to, and a copy thereof deposited with, the registrar of any Surrogate Court  
 10 of this Province, and the prescribed fees are paid as on a Grant of Probate or Administration, the Probate, or Letters of Administration or other document aforesaid, shall, *under the direction of the judge*, be sealed with the seal of the Surrogate Court, and shall thereupon be of the like force  
 15 and effect in Ontario, as respects personal estate only, as if the same had been originally granted by the said Surrogate Court of this Province, and shall (so far as regards this Province) be subject to any orders of the last mentioned Court, or on appeal therefrom, as if the Probate or Letters of  
 20 Administration had been granted thereby. (Imp. 20 and 21 Vict. ch. 79, s. 95; and 21 and 22 Vict. c. 56, s. 12; Con. St. L. C. chap. 91; and Acts of New Zealand, South Australia, Tasmania and Western Australia.)

 (2) The Letters of Administration shall not be sealed with  
 25 the seal of the Surrogate Court of this Province until a certificate has been filed under the hand of the registrar of the Court which issued the Letters, that security had been given in such Court in a sum of sufficient amount to cover as well the assets within the jurisdiction of such Court as the assets  
 30 within Ontario; or, in the absence of such certificate, until like security is given to the Judge of the Surrogate Court covering the assets in Ontario as in the case of granting original Letters of Administration. (Imp. Act 20 and 21 Vict., c. 79, s. 95; Imp. Act 21 and 22 Vict., c. 95, s. 29; R. S. O., 1887, c. 50,  
 35 s. 63, etc.) 

2. This Act shall not go into force or effect as relates to the Commencement of Act.  
 United Kingdom, or to any Province other than the Provinces  
 and territories of the Dominion, until a day or days respectively  
 to be named with respect thereto by Proclamation of the  
 40 Lieutenant-Governor.

No. 62.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act respecting ancillary Probates and  
Letters of Administration.

*Reprinted as amended by Committee of  
Whole House.*

First Reading, 27th January, 1888.  
Second " 16th February, 1888.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 76 AND 78 FRONT ST. W.

An Act respecting the Maintenance of Wives deserted  
by their Husbands.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. This Act may be cited as *The Married Women (Main- Short title.  
5 tenance in case of Desertion) Act, 1888.* (49 and 50 Vict. c.3, s. 3.)

2. Any married woman, deserted by her husband, may Order by  
summon her husband before any Stipendiary or Police Magis- magistrate for  
trate, or any two of Her Majesty's Justices of the Peace; and payment of  
thereupon such Magistrate or Justices, if satisfied that the weekly sum.  
10 husband, being able wholly or in part to maintain his wife, or  
his wife and family, has wilfully refused or neglected so to do,  
and has deserted his wife, may order that the husband shall  
pay to his wife such weekly sum, not exceeding \$10, as the  
Magistrate or Justices may consider to be in accordance with  
15 his means and with any means the wife may have for her  
support and the support of her family. (Imp. 49 and 50 Vict.  
c. 52, s. 1; Con. Statutes of Canada 1887, ch. 157, s. 8.)

3. In case of non-payment of any sum so ordered, together Distress in  
with the costs, for the space of *twenty-one* days after the order case of non-  
20 has been made, or such less time, if any, as the order may pro- payment.  
vide, the Magistrate or Justices shall issue his or their warrant  
of distress for the levying of the sum so ordered, together with  
the costs of conviction and of the distress, when and so often as  
the payment so ordered is in arrear. R. S. O. 1887, chap. 139,  
25 s. 12.

4. The Magistrate or Justices by whom an order for pay- Power to vary  
ment was made, or other Magistrate or Justices sitting in his order.  
or their stead, shall have power, from time to time, to vary the  
order on the application of either the husband or wife, upon  
30 proof that the means of the husband or wife have been altered  
in amount since the making of the original order, or any sub-  
sequent order varying it. (Imp. 49 and 50 Vict. ch. 52, s. 1,  
sub-s. 1.)

5. Provided always, that no order for payment of any sum Order not to  
35 by the husband shall be made in favour of a wife who is proved be made when  
to have committed adultery, unless the adultery has been con- wife guilty of  
doned; and that any order for payment may be discharged by adultery.  
the Magistrate or Justices by whom the order was made, or by  
the Magistrate or Justices sitting in his or their stead, upon  
40 proof that the wife has, since the making thereof, been guilty  
of adultery. (Imp. 49 and 50 Vict. ch. 52, s. 1, sub-s. 2.)

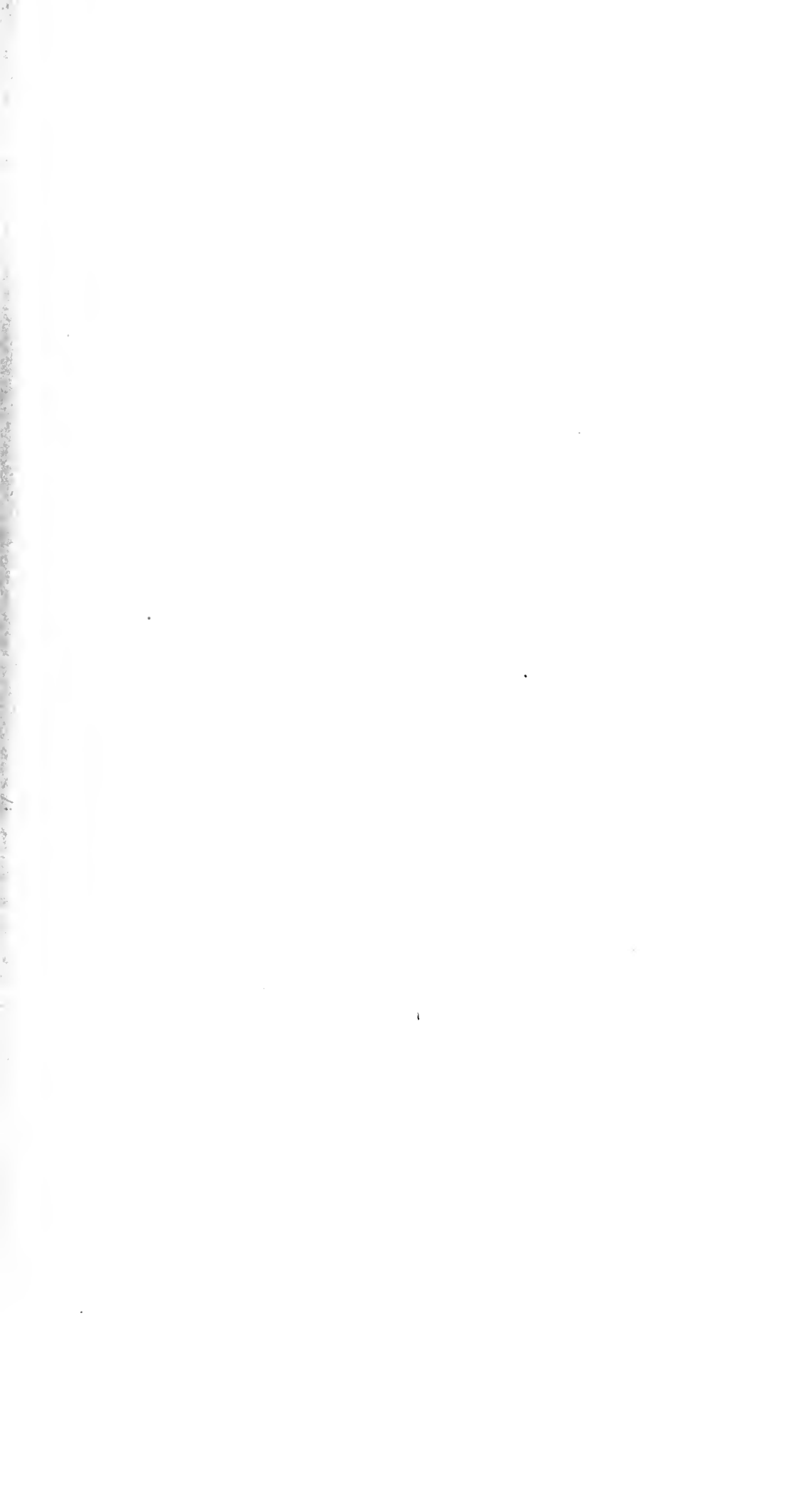
Application  
for and service  
of summons.

6. A summons under this Act shall be applied for and granted, and served in the same manner as summonses are now applied for, granted and served in cases of assault, or in such other manner as the Magistrate or Justices, shall direct; and the said Magistrate or Justices, or other Magistrate or Justices sitting in his or their stead, may re-hear the summons, at the instance of the husband, at any time, and confirm, discharge, or vary any previous order thereon as he or they may think just. (*ib. s. 3*).

Appeal.

7. The husband or wife may appeal from any order or decision of the Magistrate or Justices to the Division Court, in the same manner as is provided for appeals to the said Court in *The Act respecting Master and Servant*; and the practice as to such appeals, and the powers of the Judge shall be the same (as nearly as may be) as are by the said Act provided for the appeals therein mentioned, save that no bond shall be required, and that proceedings on the order appealed from shall not be stayed, pending the appeal and that where the husband is the appellant he shall pay all costs. (R. S. O. 1887, ch. 139.)





2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL

An Act respecting the Maintenance of  
Wives deserted by their Husbands.

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First Reading, 27th January, 1888.

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THE ATTORNEY-GENERAL.

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TORONTO:

PRINTED BY WARWICK & SOFERS, 25 AND 29 FRONT ST. W.

An Act respecting the Maintenance of Wives deserted  
by their Husbands.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. This Act may be cited as *The Married Women (Main- Short title.  
5 tenance in case of Desertion) Act, 1888.* (49 and 50 Vict. c. 3, s. 3.)

2. Any married woman, deserted by her husband, may  
summon her husband before any Stipendiary or Police Magis- Order by  
trate, or any two of Her Majesty's Justices of the Peace; and magistrate for  
thereupon such Magistrate or Justices, if satisfied that the payment of  
10 husband, being able wholly or in part to maintain his wife, or weekly sum.  
his wife and family, has wilfully refused or neglected so to do,  
and has deserted his wife, may order that the husband shall  
pay to his wife such weekly sum, not exceeding \$5.00, as the  
Magistrate or Justices may consider to be in accordance with  
15 his means and with any means the wife may have for her  
support and the support of her family. (Imp. 49 and 50 Vict.  
c. 52, s. 1; Con. Statutes of Canada 1887, ch. 157, s. 8.)

3. In case of non-payment of any sum so ordered, together Distress in  
with the costs, for the space of *twenty-one* days after the order case of non-  
20 has been made, or such less time, if any, as the order may pro- payment.  
vide, the Magistrate or Justices shall issue his or their warrant  
of distress for the levying of the sum so ordered, together with  
the costs of *the proceeding* and of the distress, when and so often  
as the payment so ordered is in arrear. (R. S. O. 1887, chap.  
25 139, s. 12.)

4. The Magistrate or Justices by whom an order for pay- Power to vary  
ment was made, or other Magistrate or Justices sitting in his order.  
or their stead *at his or their request*, shall have power, from  
time to time, to vary the order on the application of either the  
30 husband or wife, upon proof that the means of the husband  
or wife have been altered in amount since the making of the  
original order, or any subsequent order varying it. (Imp. 49  
and 50 Vict. ch. 52, s. 1, sub-s. 1.)

35 5. Provided always, that no order for payment of any sum Order not to  
by the husband shall be made in favour of a wife who is proved be made when  
to have committed adultery, unless the adultery has been wife guilty of  
condoned; and that any order for payment may be discharged by adultery.  
the Magistrate or Justices by whom the order was made, or by  
40 the Magistrate or Justices sitting in his or their stead *at his  
or their request*, upon proof that the wife has, since the making  
thereof, been guilty of adultery. (Imp. 49 and 50 Vict. ch. 52,  
s. 1, sub-s. 2.)

Application  
for and service  
of summons.

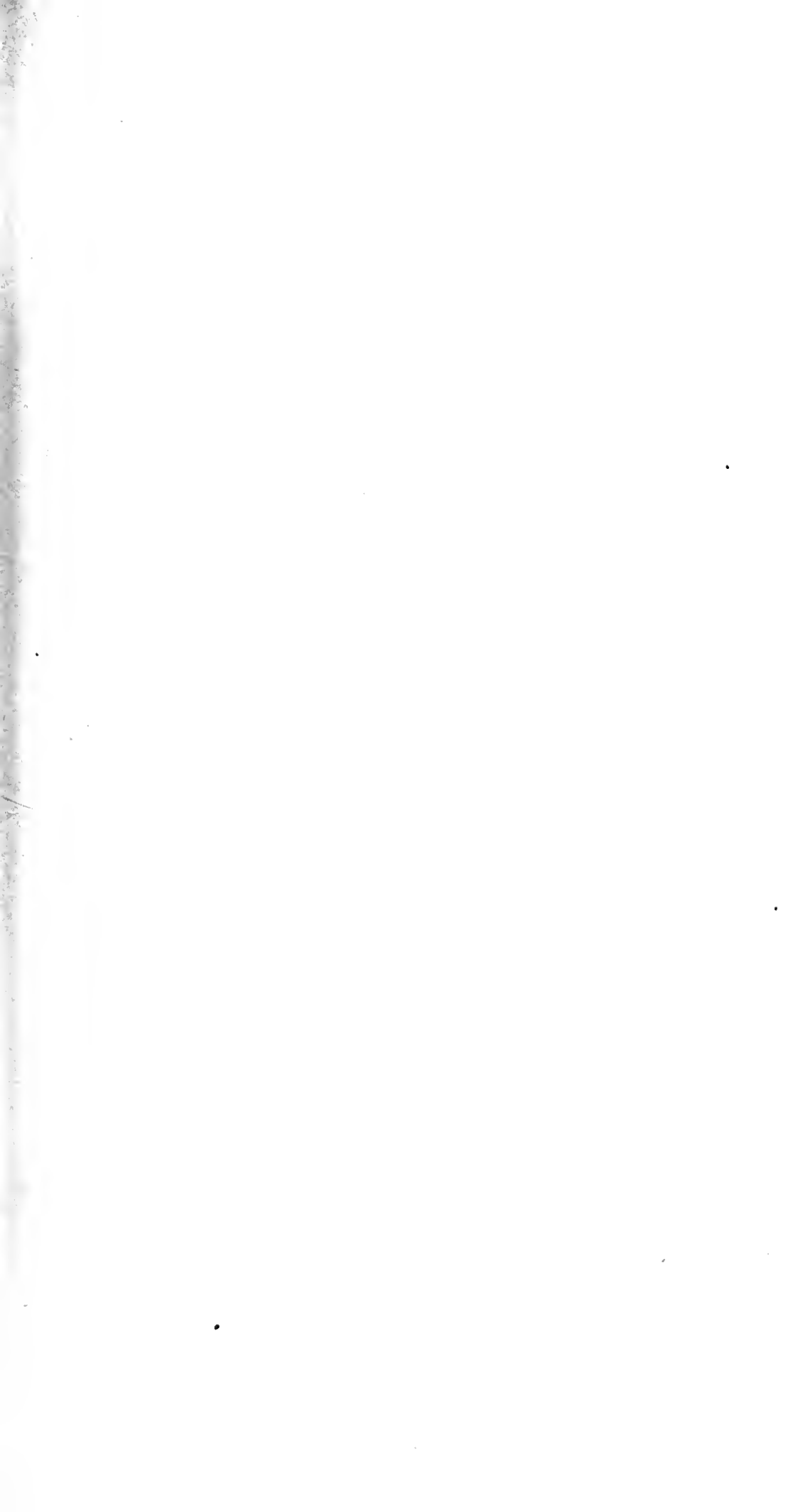
**6.** A summons under this Act shall be applied for and granted, and served in the same manner as summonses are now applied for, granted and served in cases of assault, or in such other manner as the Magistrate or Justices, shall direct; and the said Magistrate or Justices, or other Magistrate or Justices sitting in his or their stead, may rehear the summons, at the instance of the husband, at any time, and confirm, discharge, or vary any previous order thereon as he or they may think just. (*ib.* s. 3). 5

Issue of  
summons.

**7.** Where any matter under this Act is to be tried by two Justices, the summons may be signed by one of such Justices. 10

Appeal.

**8.** The husband or wife may appeal from any order or decision of the Magistrate or Justices to the Judge of the Division Court without a jury, the appeal to be heard at such time and place as he appoints, and the practice as to such appeals, and the powers of the Judge shall, in other respects be the same, as nearly as may be, as by *The Act respecting Master and Servant* are provided for the appeals therein mentioned, save that no bond shall be required, and that proceedings on the order appealed from shall not be stayed, pending the appeal and that where the husband is the appellant he shall pay all costs. (R. S. O. 1887, ch. 139.) 15 20



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2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL.

An Act respecting the Maintenance of  
Wives deserted by their Husbands.

*Reprinted as amended by Committee of  
Whole House.*

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First Reading, 27th January, 1888.

Second " 16th February, 1888.

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THE ATTORNEY-GENERAL.

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TORONTO:

PRINTED BY WARWICK & SON, 26 AND 28 FRONT ST. W.

An Act respecting the Maintenance of Wives deserted  
by their Husbands.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. This Act may be cited as *The Married Women (Main- Short title.  
tenance in case of Desertion) Act, 1888.*

2. Any married woman, deserted by her husband, may  
summon her husband before any Stipendiary or Police Magis- Order by  
magistrate for  
payment of  
weekly sum.  
trate, or any two of Her Majesty's Justices of the Peace; and  
thereupon such Magistrate or Justices, if satisfied that the  
husband, being able wholly or in part to maintain his wife, or  
his wife and family, has wilfully refused or neglected so to do,  
and has deserted his wife, may order that the husband shall  
pay to his wife such weekly sum, not exceeding \$5.00, as the  
Magistrate or Justices may consider to be in accordance with  
his means and with any means the wife may have for her  
support and the support of her family.

3.—(1) In case of non-payment of any sum so ordered, to- Distress in  
case of non-  
payment.  
gether with the costs, for the space of twenty-one days after  
the order has been made, or such less time, if any, as the order  
may provide, and when and so often as the payment so ordered  
is in arrear, such married woman may procure from the Magis-  
trate or Justices making the said order a summons returnable  
on the tenth day after the service thereof, and such summons  
may be served either personally on the husband or in such  
other manner as the Magistrate or Justices may in writing  
direct, requiring the husband to attend at the time and place  
mentioned in said summons, to show cause why a warrant of  
distress should not issue for the levying by distress of any of  
the sums ordered to be paid by him under the preceding sec-  
tion, together with the said costs, and the costs of and incidental  
to such summons under this section.

(2) The person obtaining such summons and all witnesses  
whom the Magistrate or Justices think requisite may be ex-  
amined on oath touching the enquiries to be made on the  
return of such summons.

(3) If the party so summoned does not attend as required  
by the summons, or allege a sufficient reason for not attending,  
or does not satisfy the Magistrate or Justices that he is unable  
to pay the sum ordered to be paid under the second section of  
this Act, the said Magistrate or Justices shall issue his or their  
warrant of distress for the levying of the sum so ordered, to-  
gether with the costs, and the costs of and incidental to such  
summons and of the distress.

Power to vary order. 4. The Magistrate or Justices by whom an order for payment was made, or other Magistrate or Justices sitting in his or their stead *at his or their request*, shall have power, from time to time, to vary the order on the application of either the husband or wife, upon proof that the means of the husband or wife have been altered in amount since the making of the original order, or any subsequent order varying it. 5

Order not to be made when wife guilty of adultery. 5. Provided always, that no order for payment of any sum by the husband shall be made in favour of a wife who is proved to have committed adultery, unless the adultery has been condoned; and that any order for payment may be discharged by the Magistrate or Justices by whom the order was made, or by the Magistrate or Justices sitting in his or their stead *at his or their request*, upon proof that the wife has, since the making thereof, been guilty of adultery. 10 15

Trial to be private. 6. All cases arising under this Act shall be tried in private at the discretion of the Magistrate or Justices. 15

Effect of finding as to adultery. 7. In case it is held by the Magistrate or Justices that adultery has been proved, the judgment or finding shall not be evidence of the adultery except for the purpose of proceedings under this Act. 20

Application for and service of summons. 8. A summons under this Act shall be applied for and granted, and served in the same manner as summonses are now applied for, granted and served in cases of assault, or in such other manner as the Magistrate or Justices, shall direct; and the said Magistrate or Justices, or other Magistrate or Justices sitting in his or their stead, may rehear the summons, at the instance of the husband, at any time, and confirm, discharge, or vary any previous order thereon as he or they may think just. 25 30

Signing summons. 9. Where any matter under this Act is to be tried by two Justices, the summons may be signed by one of such Justices. 35

Forms. 10. The forms of order, summons and warrant to be issued in pursuance of this Act may be the same or to the like effect as those contained in the schedules hereto. 40

Appeal. 11. The husband or wife may appeal from any order or decision of the Magistrate or Justices to the Judge of the Division Court without a jury, the appeal to be heard at such time and place as he appoints, and the practice as to such appeals, and the powers of the Judge shall, in other respects be the same, as nearly as may be, as by *The Act respecting Master and Servant* are provided for the appeals therein mentioned, save that no bond shall be required, and that proceedings on the order appealed from shall not be stayed pending the appeal, and that where the husband is the appellant he shall pay all costs. 45



## SCHEDULE A.

## FORM OF SUMMONS.

(Section 2.)

Ontario  
County of } To A. B., of  
(or City or District) } (Occupation)

Whereas application has this day been made by your wife, C. D., to the undersigned Police Magistrate, (or Stipendiary Magistrate or Justices of the Peace, *as the case may be*) for the County of \_\_\_\_\_ for a summons under *The Married Women (Maintenance in case of Desertion) Act, 1888*, for that you have wilfully refused or neglected to maintain your said wife (or your wife and family, *as the case may be*), and that you have deserted your said wife. There are, therefore, to command you in Her Majesty's name to be and appear before the undersigned, or such Magistrate or Justices as may then and there be present in my (or our) stead, at \_\_\_\_\_ on the \_\_\_\_\_ day after the service hereof, at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, to shew cause why an order should not be made against you, ordering you to pay to your said wife, C. D., for her support (or for the support of her and her family, *as the case may be*) such weekly sum not exceeding \$5, as the undersigned or such other Magistrate or Justices as may then be present in my (or our) stead, may consider to be in accordance with your means and with the means of your said wife.

Given under \_\_\_\_\_ hand and seal \_\_\_\_\_ day of \_\_\_\_\_ in the year 18 \_\_\_\_\_, at \_\_\_\_\_ in the County (or District or City, *as the case may be*) aforesaid.

J. S. [L. S.]

## SCHEDULE B.

## FORM OF ORDER.

(Section 2.)

Ontario  
County of }  
(or City or District) }

Upon reading the Summons dated the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_\_, and issued by \_\_\_\_\_ Police Magistrate for the \_\_\_\_\_ (or Stipendiary Magistrate or Justices of the Peace for the \_\_\_\_\_) upon the application of C. D., of \_\_\_\_\_ wife of A. B., of \_\_\_\_\_ (Occupation) under the provisions of *The Married Women (Maintenance in case of Desertion) Act, 1888*, and upon hearing all parties (or *as the case may be*) and the evidence adduced, and it appearing that the said C. D. is entitled to the benefit of said Act \_\_\_\_\_ I (or we) the undersigned, do hereby order that the said A. B. do pay hereafter to his said wife, C. D., or her lawfully authorized agent in writing, at the sum of \$ \_\_\_\_\_ per week for her support (or for the support of her and her family), the first weekly payment to be made on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_\_, together with the costs of these proceedings, which amount to \$ \_\_\_\_\_.

Given under \_\_\_\_\_ hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ in the year A. D. 18 \_\_\_\_\_, at \_\_\_\_\_ in the County (or District or City, *as the case may be*) aforesaid.

J. S. [L. S.]

## SCHEDULE C.

## FORM OF SUMMONS AFTER DEFAULT.

(Section 3.)

Ontario County of (or City or District.)	}	To A. B., of (Occupation)
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Whereas under and by virtue of the provisions of *The Married Women (Maintenance in case of Desertion) Act, 1888*, by order dated the day of A. D., 18 , and made by Police Magistrate for (or Stipendiary Magistrate or two of Her Majesty's Justices of the Peace for ) you were ordered to pay to your said wife C. D. the sum of \$ per week, together with costs of obtaining the order in that behalf, amounting to \$ ; and whereas it is alleged by the said C. D. that you have made default in payment of said sum and costs, and that there is now due and owing, by virtue of said order, the sum of \$ . You are therefore hereby summoned to appear before me (or us) or such other Police (or Stipendiary Magistrate or Justices of the Peace for , acting in my (or our) stead as may then and there be present at at the hour of o'clock in the noon, on the tenth day after service hereof, to show cause why a warrant of distress should not issue for the levying by distress and sale of your goods and chattels, of such weekly sum so remaining unpaid, together with the said costs and the costs of and incidental to these proceedings.

Given under hand and seal this day of  
A. D. 18 , at in the County (or City or District, as the case  
may be) aforesaid.

J. S. [L. S.]

## SCHEDULE D.

## FORM OF WARRANT OF DISTRESS.

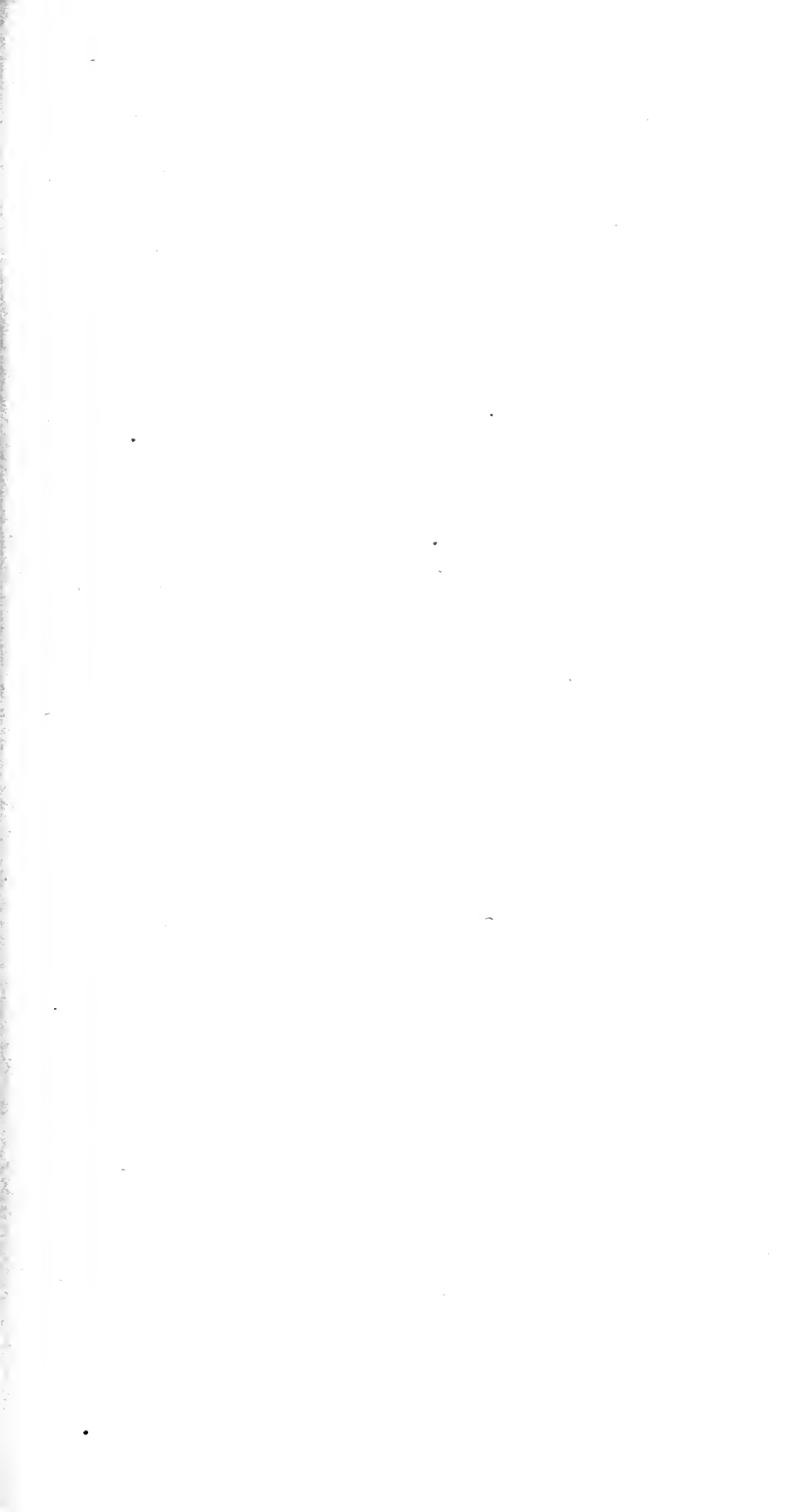
(Section 3, ss. 3.)

Ontario County of (or City or District.)	}
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Be it remembered, that on a summons was issued by the undersigned Police Magistrate (or Stipendiary or two of Her Majesty's Justices of the Peace for for that (*stating the facts, with the time and place*) and now at this day, to wit, on at the parties aforesaid appear before the undersigned Police Magistrate for (or Stipendiary Magistrate or Justices of the Peace, as the case may be) or, the said C. D. appears before the undersigned, but the said A. B., although duly called, does not appear by himself, his counsel or agent) and it is now satisfactorily proved to me (or us) on oath, that the said A. B. was duly served with the said summons in this behalf, which required him to be and appear here on this day before me or such other Police (or Stipendiary Magistrate or Justices of the Peace for the County of ) as should now be here, in my (or our) stead, to show cause why a warrant of distress should not issue against him in respect of his default in payment of certain sums and costs remaining unpaid as aforesaid. And now having heard the matter of the said summons, I (or we) do adjudge the said A. B. to pay to the said C. D. the said sum of \$ forthwith, and also to pay to the said C. D. the sum of \$ for her costs in this behalf, and if the said several sums are not paid forthwith, then I (or we) hereby order that the same be levied by distress and sale of the goods and chattels of the said A. B.

Given under hand and seal this day of  
A. D., 18 at in the County (or City or District, as the case  
may be) aforesaid.

J. S. [L. S.]



BILL.

An Act respecting the Maintenance of  
Wives deserted by their Husbands.

*Reprinted as again amended by Com-  
mittee of Whole House.*

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First Reading, 27th January, 1888.  
Second " 16th February, 1888.

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THE ATTORNEY-GENERAL.

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TORONTO :

PRINTED BY WARWICK & SONS, 25 AND 26 FRONT ST., W.

An Act respecting the Revised Statutes of Ontario 1887.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Revised Statutes of Ontario, as printed by the Queen's Printer, and declared by proclamation of the Lieutenant-Governor in Council, dated the twentieth day of December last past, to come into force on, from and after the thirty-first day of December last past, have been on, from and after said day, and shall hereafter be in force in this Province, to all intents and purposes as though the same were expressly embodied in, and enacted by, this Act, to come into force and have effect on, from and after said day, subject, however, to the provisions of section 9 and following sections of the Act, chapter two of the Acts passed by the Legislature of this Province in the fiftieth year of Her Majesty's reign, intituled *An Act respecting the Revised Statutes of Ontario 1887*, and to the Acts passed in the present session of the Legislature.

Revised Statutes 1887 declared in force from 31st December, 1887.

2. On, from and after the said thirty-first day of December last past, all the enactments in the several Acts and parts of Acts in the Schedule A to the said Revised Statutes mentioned, so far as they relate to this Province, have been and shall remain repealed to the extent mentioned in the third column of said Schedule A, save only as is provided in sections 6, 7 and 8 of the said Act, intituled *An Act respecting the Revised Statutes of Ontario 1887*, and save as provided in any Acts passed during the present session of the Legislature.

Acts in Schedule A to Revised Statutes to be repealed with certain exceptions

3. The Legislature is not by reason of the passing of this Act or of the Act passed in the fiftieth year of Her Majesty's reign, intituled *An Act respecting the Revised Statutes of Ontario 1887*, to be deemed to have adopted the construction which may, by judicial decision or otherwise, have been placed upon the language of any of the statutes included amongst the Revised Statutes.

Judicial construction placed on statutes not adopted.

4. And whereas, the statutory proceedings relating to practice and procedure and the General Orders and Rules of Court have been consolidated and revised by the Judges of the Supreme Court of Judicature for Ontario, and most of the said statutory provisions have in consequence been omitted from the said Revised Statutes, the said Consolidated and Revised Rules and Orders of the said Judges, bearing date the \_\_\_\_\_ are hereby confirmed and declared to have the

Consolidated rules confirmed.

same force and effect as if the same were herein repeated and enacted, except in any respects in which the same may be varied by statutes passed during the present session of this Legislature, and which said Consolidated Rules and Orders shall, like other Rules and Orders of the said Judges, be subject to be annulled or altered from time to time by new Rules of Court made under the authority of *The Judicature Act* (R. S. O., c. 43.) 5



No. 64.

2nd Session, 6th Legislature, 51 Vic., 1888.

**BILL.**

An Act respecting the Revised Statutes of  
Ontario 1887.

First Reading, 30th January, 1888.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



**BILL.**

An Act to amend the law respecting Mortgages.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Notwithstanding any rule of law, practice, custom or de-  
 5 cision to the contrary, unless it is stipulated in and by the  
 mortgage that the mortgagor shall give six months' notice of  
 his intention to redeem or pay six months interest in lieu of  
 such notice, in case the principal is not paid on the day it  
 becomes due, before the mortgagee can be compelled to dis-  
 10 charge the mortgage, it shall not be lawful for a mortgagee to  
 demand six months' notice of an intention to redeem, or  
 payment of six months interest in lieu of such notice, nor  
 shall such interest or bonus be allowed to a mortgagee or per-  
 15 son standing in the place of a mortgagee, or entitled to receive  
 the mortgage money in any proceeding for redemption of a  
 mortgage.

Notice or pay-  
 ment in lieu of  
 notice where  
 mortgage over-  
 due dispensed  
 with.

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2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL.

An Act to amend the law respecting  
Mortgages.

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First Reading, 1st February, 1888.

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Mr. FRENCH.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to amend the law respecting Mortgages.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—


1.—(1) This section shall only apply to mortgages made 5 subsequent to the first day of July, 1888. Application of section.

(2) Where default has been made in the payment of any principal money secured by any mortgage according to the terms and conditions thereof, the same may be paid at any time thereafter without previous notice to the person entitled 10 to receive the same, and without the payment of any interest in lieu of such notice; provided always, that if in or by the said mortgage or otherwise there has been any express agree- 15 ment with respect either to such notice or to interest to be paid in lieu thereof, such agreement shall be binding and have the same effect as if this Act had not been passed; provided 20 moreover, that this Act shall not be held as applying to any default in the payment of principal money that may have become due or payable, only by reason of some default made in the payment of interest money secured or payable by or 25 under any such mortgage, or by reason of some default made in the payment of any instalment of principal money, or any portion of any instalment of principal money secured or payable by or under any such mortgage, but shall be held as applying to any such instalment in respect of which default has been made as aforesaid. Payment of principal after default. Proviso. Proviso.



(3) Any rule, question or matter of law or equity affecting or arising out of any default in the payment of money secured by any mortgage made either heretofore or prior to the first day of July next after the passing of this Act, shall in all 30 respects, and for all purposes, be adjudged and determined as if the provisions of this section had not been enacted. Mortgages made prior to July 1st, 1888, not affected.

2. Section 18 of *The Act respecting Mortgages of Real Estate*, being chapter 102 of the Revised Statutes of Ontario, 1887, is hereby amended by substituting the word "four" for 35 the word "six," in the sixth line thereof; and section 20 of the said Act is hereby amended by substituting for the word "three," in the second line thereof, the word "two." Rev. Stat. c. 102, ss. 18 and 20 amended.

3. Whenever a mortgage made in pursuance of *The Act respecting Short Forms of Mortgages*, being chapter 107 of the 40 Revised Statutes of Ontario, 1887, contains a power of sale in the form No. 14, in column 1 of schedule B to the said Act, the mortgagee, his heirs, executors, administrators or assigns may, in exercising the said power, in lieu of taking the pro- Power of sale.

ceedings provided for by the said form No. 14, column 2, take proceedings under and have the benefit of the provisions of part two of *The Act respecting Mortgages of Real Estate*, chapter 102 of the Revised Statutes of Ontario, 1887, except that such power shall not be exercisable until after at least four months' default and at least two months notice, or such longer periods as may by the power contained in such mortgage be fixed therefor. 

Time for  
questioning  
sales limited.

 4. No sale heretofore made shall be declared to be invalid on the ground, or by reason only of the same having been made in pursuance of a power of sale contained in a mortgage where such power has been exercised by an assignee of such mortgage instead of the original mortgagee unless within two years after the making of any such sale, proceedings have been, or shall be taken to declare the same to be invalid or irregular; but nothing herein contained shall be deemed or construed to confirm any such sale which for any other reason or any other ground might be set aside, or declared irregular, or invalid; nor shall anything herein contained affect any proceeding, suit, or matter, either now pending or heretofore adjudged or determined. 



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2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL.

An Act to amend the law respecting  
Mortgages.

*Reprinted as amended by Select  
Committee.*

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First Reading, 1st February, 1888.  
Second " 13th March, 1888.

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Mr. FRENCH.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to amend the General Road Companies Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Ontario Road Companies Act, 1888.*" Short Title.

2. The county council of any county in which a toll-road is in operation, shall on the petition of one hundred ratepayers of the county interested, or on the petition of any municipal authority representing the interests of the locality through or along the boundary of which such toll road passes, or in which the work is situated, by by-law appoint an arbitrator, who together with the Judge of the county court of the county, and an arbitrator to be appointed by the Lieutenant-Governor in Council (which last named arbitrator shall not be a resident of the county), shall form a board of arbitration to determine what municipalities or portions of municipalities are interested in and would be benefited by the purchase of and the removal of the tolls from said road. Board of Arbitration.

3. The arbitrators shall have all the powers of arbitrators appointed under *The Municipal Act*, and shall within three months after the appointment of the third arbitrator make their award to the county council, determining what municipalities or portions of municipalities, including towns separated from the county, and also including municipalities which would be benefited by the removal of such tolls, although they do not adjoin such road, are interested in the purchase of said road, and shall also determine and report what would be the fair percentage of the cost of such purchase, which shall be borne by each municipality or portion of a municipality by the said award declared to be interested therein. Award.

4. Should there be a number of roads for the purchase of which petitions have been presented, the said board of arbitration may, in determining the percentage to be paid by different municipalities, treat two or more of said roads as one combined system, and may make one award fixing the said percentage and defining the municipalities or portions of municipalities liable to contribute for the purchase of said roads. Award may include payments for several roads.

5. In determining the said percentage, the board of arbitration shall take into consideration an equalized assessment of the said municipalities, and shall also consider the amount of benefit to be derived by each municipality from the removal of said tolls. Matters to be considered by arbitrators.

Confirmation  
of award.

6. The report and award of the said board of arbitration shall become final and absolute at the expiration of fourteen days from the filing thereof with the clerk of the county council of said county, unless appealed from; but the court or Judge may under special circumstances allow an appeal after 5  
the fourteen days.

Appeal from  
award.

7. The appeal from a report or award referred to in the next preceding section of this Act shall be to the High Court of Justice, and may be heard before and decided by a Judge of said court, in or out of term, and the practice to be observed 10  
upon any such appeal shall be the practice now observed in appeals from the report of a Master in Chancery; and such Judge may upon such appeal either amend the said report and award in any way and to any extent that he may deem proper, or refer the same back to the said board of arbitration for 15  
amendment in whole or in part, with such directions as to law or fact as he may deem proper, or he may confirm the same.

Value of road  
to be settled  
by arbitration.

8. Should the county council be unable to agree with the company or persons owning such road as to the amount of purchase money to be paid therefor, the value of such road 20  
shall be determined by arbitration under *The Municipal Act* within six months after the receipt of the report and award of the board of arbitration appointed to determine the municipalities interested therein; and the holders of the majority of the stock of any road company, represented at a special general 25  
meeting of the shareholders of such company duly called for that purpose, shall have power to determine the price at which such road may be purchased by the county council without arbitration.

Matters to be  
considered in  
determining  
value.

9. In determining the amount of said purchase money, the 30  
arbitrators shall consider the state of repair of said road and the average dividends paid to the owners thereof during the previous six years; but no road company which has been in existence for less than twenty-one years shall be compelled to take less than the par value of such stock, unless the dividends 35  
paid by the said company to its shareholders during the previous six years shall average less than six per cent. per annum.

Costs of  
arbitration.

10. All expenses of arbitration shall be added to the said purchase money and included in the amount to be provided by 40  
the county council; but should the value of any road as determined by arbitration not exceed the amount previously offered therefor by the county council, the costs of arbitration as to the value of such road shall be paid by the road company or deducted from the purchase money. 45

County to pass  
by-law for  
raising amount  
required for  
purchase of  
road.

11. On the determination of the amount required for the purchase of such road and the expenses in connection therewith, the county council shall under the provisions of *The Municipal Act*, at its next meeting pass a by-law for the borrowing of the amount required for such purchase and expenses 50  
by the issue of debentures of the county payable over a term not exceeding thirty years, and bearing interest at a rate not exceeding six per cent. per annum, and providing for the levying during the term of such by-law on the municipalities or



portions of municipalities interested, and in the proportions fixed by such board of arbitration of an amount sufficient to meet the annual payments of principal and interest as the same may fall due, and such by-law shall not be required to be submitted to the vote of the ratepayers.

12. On the completion of the purchase of such road the tolls shall be removed on the 31st day of December following such purchase, and such road and all roads from which tolls have been removed under the provisions of this Act shall thereafter be maintained by the municipality or municipalities in or on the borders of which the same are situated, unless the said road or roads shall be adopted by the county council as a county road.

Tolls to be abolished on road when purchase completed.

13. No municipal council shall after the thirty-first day of December next following the passing of this Act collect tolls on any road owned by it, and in the event of any municipality having a debt incurred for the purchase or building of any road, the municipalities or portions of municipalities interested in and properly liable for the payment of such debt may be determined under the provisions of this Act, as if the same had been purchased from a company or other owners, and the provisions of this Act shall apply for the purpose of levying rates for the payment of such debt on the municipalities interested.

Tolls on county roads abolished.

14. *The Treasurer of the Province may, with the authority of the Lieutenant-Governor in Council, advance out of the public moneys of the Province any sum or sums of money to be expended in the purchase of debentures to be issued by county councils under the provisions of this Act, and for the purpose of providing money for the purchase of such debentures, the Lieutenant-Governor in Council may direct the granting of terminable annuities for such terms not exceeding thirty years, as the Lieutenant-Governor may from time to time deem expedient, and every annuity so granted shall be a charge upon the Consolidated Revenue Fund of this Province.*

Purchase of debentures out of public funds.

15. *The said annuities shall be based on a rate of interest not exceeding five per cent. per annum, and shall be evidenced by such form of certificate or other instrument as the Lieutenant-Governor in Council may direct.*

Basis of interest for annuities.

16. *The Provincial Treasurer may sell any annuities authorized under this Act, and apply the proceeds thereof under the authority of the Lieutenant-Governor in Council in the purchase of any county debentures issued under the authority of this Act.*

Sale of annuities and application of proceeds.

17. All provisions of *The General Road Companies Act* conflicting with the provisions of this Act are hereby repealed.

Conflicting enactments repealed.

No. 66.

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2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL.

An Act to amend the General Road Companies Act.

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First Reading, 1st February, 1888.

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MR. LEES.

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TORONTO:  
PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Examination of Engineers and Inspection of Boilers.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council shall appoint for each Appointment of inspectors.  
 5 county and city in the Province of Ontario an inspector, whose duty it shall be to inspect all boilers or other devices under steam pressure, and examine all persons who may apply for examination, and issue graded certificates to all applicants who are qualified to receive them.
- 10 2. Such inspector shall be a person having technical and Qualifications of inspectors.  
 practical knowledge of steam used for any purpose, and shall have not less than five years' practical experience as a working engineer, and shall give bonds for the faithful performance of his duties in the sum of \$2,000, with two sureties to be ap-  
 15 proved of by the Lieutenant-Governor in Council, and shall not be removed without cause.
3. The inspector shall examine all persons applying for cer- Classification of certificated persons.  
 tificates under this Act, and shall have power to issue four  
 20 class engineer or fireman, and special class; and such certificate shall in plain terms name the particular steam plant the holder is qualified to operate.
4. The inspector shall make a yearly inspection of all boilers Inspection of boilers.  
 or other devices under steam pressure in his district, and shall on  
 25 such inspection see that each boiler is provided with a proper lock-up safety valve, set at the pressure under which the boiler may be safely operated.
5. All certificates must be exposed to view in a conspicuous Certificates to be exposed.  
 place in the engine or boiler room.
- 30 6. Should any engineer or fireman, or holder of special cer- Penalty on persons under taking work of a higher grade than he is licensed for.  
 tificate, undertake to operate or take charge of any steam plant requiring a higher grade of certificate than he possesses, he shall be fined not less than \$10, nor more than \$50, on con-  
 35 viction of the same, and the inspector shall have power to revoke his certificate.
7. All persons who shall have charge of engines or boilers Licenses to persons having charge of engines at commencement of Act.  
 at the time of the passage of this Act shall, upon the payment of \$2, receive a permit to operate such steam plant for the term of one year; and should any such engineer or fireman

apply for a renewal or higher grade of certificate, he may procure the same by passing the necessary examination before the inspector, for which the sum of \$5 may be charged.

Licenses to persons other than those mentioned in section 7.

8. All persons not mentioned in section 7 of this Act applying for examination, shall pay the sum of \$5 for such examination, each certificate to have force and effect for the term of one year, unless sooner revoked for cause by the inspector, and for each renewal the sum of \$1 shall be paid. The inspector shall not issue in any case a certificate to a person of intemperate habits, however skilful he may be.

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Fee for annual inspection of boiler.

9. The owner of each boiler inspected shall pay the inspector the sum of \$5 for each annual inspection of such boiler.

Revocation of certificate.

10. The inspector appointed under this Act shall have power to revoke any certificate issued under this Act at any time when the person holding the same shall have committed any act or acts that show him to be unworthy, incompetent or intemperate, and if such person desire to appeal from the decision of the inspector in his district, he may present his case to the Lieutenant-Governor in Council, who shall appoint two inspectors from other districts, who shall hear his case, and their decision shall be final.

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Penalty for using boiler before inspection or placing same in charge of an uncertificated person.

11. It shall be unlawful for any owner or manager of any boiler or other device subject to steam pressure to permit such boiler or other device to be put under steam pressure unless it is first inspected as provided for in section 3 of this Act, and placed in charge of a person holding a proper certificate, and any person who shall be proved guilty of violating this section, or shall in any way evade its provisions, shall upon conviction before any justice of the peace be fined not less than \$10 nor more than \$250.

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Qualifications of engineers.

12. A first-class engineer shall require a thorough knowledge of steam and its uses, of the use of the steam engine indicator, the principles of combustion, the details of the construction of boilers and engines, the strength of materials used in such construction, general mechanics, the principles of steam heating and the working of condensers and feed pumps, and such certificate shall entitle the holder to operate any steam plant over which any of the inspectors appointed under this Act shall have jurisdiction.

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A second-class engineer shall require a thorough knowledge of steam and its uses, general mechanics, the principles of steam heating and the working of condensers and feed pumps, and such certificate shall entitle the holder to take charge of and operate any steam plant of one hundred horse-power or less.

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A third class engineer or fireman shall have a fair knowledge of steam and its uses and the principles of steam heating and the working of feed pumps, and such certificate shall entitle the holder to take charge of and operate any steam plant of fifty horse-power or under.

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A fourth or special class engineer shall require a fair knowledge of the working of feed pumps and be thoroughly capable of taking care of any boiler under his charge, and such certificate shall entitle the holder to take charge of any steam plant or portable engine of fifteen horse-power or under.

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13. The inspectors who shall be appoin'ed under this Act shall receive no other compensation than the fees paid them for inspecting boilers or other devices under steam pressure and examining persons desiring to take charge of the same. From 5 such moneys they shall pay all the expenses incident to the faithful discharge of the duties assigned to them by this Act, including printing, travelling and all other expenses. Remuneration  
of inspectors.

14. Whenever any licensed engineer or person shall discover that the boiler or boilers he is operating have become 10 weakened or unsafe, he shall at once notify the proprietor, owners or manager of the fact, and demand that they be repaired and made safe. If the owneis, proprietor or manager shall refuse to have the needed repairs made, the licensed person operating them shall at once notify the inspector for that 15 district, and the inspector shall inspect the boiler, and if he decides that the said boiler is unsafe, the proprietor or owners shall forthwith have the needed repairs made, and any owner, proprietor or manager who shall attempt to operate any steam boiler subject to steam pressure after such inspec- 20 tion without having the necessary repairs made, shall on conviction be fined not less than \$100 or more than \$500. Notice to be  
given when  
repairs  
needed.

15. Any boiler operated at a pressure of ten pounds or less to the square inch shall not be considered to come under the conditions of this Act, except those under sidewalks in cities 25 or towns. Exceptions as  
to certain  
boilers.

16. All prosecutions under this Act may be brought before any of Her Majesty's justices of the peace in and for the county where the offence was committed, and in cities, towns and incorporated villages where there is a police magistrate, 30 before such police magistrate. Prosecutions.

17. This Act shall take effect from and after the first day of July, 1888, and all Acts or parts of Acts conflicting with the foregoing enactments, are hereby repealed. Commence-  
ment of Act.

No. 67.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act respecting the Examination of Engineers and Inspection of boilers.

First Reading, 1st February, 1888.

MR. GARSON.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act for the prevention of Accidents by fire in  
hotels and other Public Buildings.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. In the construction of this Act a hotel shall include and  
5 be taken to mean any inn, tavern, public house or place of  
refreshment where lodgings are let, furnished or provided for  
the public, or any other place where the keeper is by law  
responsible for the goods and property of his guests. Interpre-  
tation.
2. Every owner, lessee, proprietor or manager of a hotel  
10 exceeding two stories in height, shall erect or cause to be  
erected at least one permanent outside stairway or ladder from  
each landing or floor above the first story, the said stairway  
or ladder shall be built of iron and shall be firmly attached to  
the wall of the building and be supplied with a hand rail on  
15 either side; the ladder or stairway shall be of sufficient strength  
to sustain the weight of at least six full grown persons at the  
same time. The means of communication between the sleep-  
ing apartments and the door or other opening leading to the  
ladder or stairway shall always remain uninterrupted. Outside lad-  
ders or stair-  
ways.
- 20 3. The keeper of every hotel shall, where the same is more  
than one story in height, provide and keep in each of the  
sleeping apartments or bed-rooms which are situate above the  
ground floor, a fire escape for the use of guests occupying  
the same. Fire escapes to  
be kept in all  
bed-rooms.
- 25 4. Such fire escape shall be sufficient within the meaning of  
this Act if it consists of a rope three-quarters of an inch in  
thickness, and of sufficient length to reach to the ground below. What deemed  
a sufficient fire  
escape.
5. The said rope shall be kept in a coil or other convenient  
position in each of the said bed-rooms or sleeping apartments  
30 and shall have a proper fastener or appliance attached thereto,  
and the outside window or opening of such sleeping apartments  
or bed-rooms shall be provided with proper, secure and con-  
venient fastenings or appliances to which one end of the rope may  
be secured so as to furnish a safe means of egress from the  
35 said rooms in case of fire or other accidents. Fastenings to  
be provided for  
fire escapes.
6. In case any hotel shall be provided with outside station-  
ary or other fire escapes, by means of which a safe and  
convenient means of egress from the sleeping apartments or  
bed-rooms is provided in case of fire, the same shall be deemed  
Outside fire  
escapes.

a compliance with this Act, so far as relates to all sleeping apartments or bedrooms to which the said fire escapes shall be accessible from the outside windows or openings thereof.

Notice as to fire escapes to be posted in rooms.

7. The keeper of every hotel shall, in addition to the notices which he is now required by law to keep posted up in each of his sleeping apartments or bed-rooms, also keep posted up therein a notice calling attention to the said fire escapes, and containing full directions for the use of the same, as well as a description of the outside stairway and the situation and means of egress to the same. 5

Penalty.

8. In case the keeper of any hotel shall neglect to observe the provisions of this Act, in addition to being liable for any and all damages that any person or persons may sustain by reason of his neglect, he shall on summary conviction thereof before any Justice of the Peace of the county wherein the said hotel is situate, incur a fine for each offence of not less than \$20 or more than \$200, with costs of prosecution, and in default of immediate payment of such fine and costs, shall be committed to the common gaol of the county wherein such offence was committed, for a period not exceeding three months. 10 15

Application of Act limited.

9. This Act shall not apply to fire proof hotels. 20





No. 68.

2nd Session, 6th Legislature, 51 Vic, 1888.

**BILL.**

An Act for the prevention of Accidents by  
fire in hotels and other Public Buildings.

First Reading, 1st February, 1888.



Mr. MCKAY.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act for the prevention of Accidents by fire in  
hotels and other Public Buildings.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. In the construction of this Act a hotel shall include and  
5 be taken to mean any inn, tavern, public house or place of  
refreshment where lodgings are let, furnished or provided for  
the public, or any other place where the keeper is by law  
responsible for the goods and property of his guests. Interpre-  
tation.
2. Every owner, lessee, proprietor or manager of a hotel  
10 exceeding two stories in height, shall erect or cause to be  
erected at least one permanent outside stairway or ladder from  
each landing or floor above the first story of his hotel, the  
said stairway or ladder shall be built of iron and shall be  
15 firmly attached to the wall of the building and be supplied  
with a hand rail on either side; the ladder or stairway shall be  
of sufficient strength to sustain the weight of at least six full  
grown persons at the same time. The means of communication  
leading to the ladder or stairway shall always remain uninter-  
20 rupted:  Provided that if by reason of the default of the  
owner, upon reasonable notice, any lessee or manager is com-  
pelled to erect a ladder under the provisions of this Act, then  
the lessee or manager shall have a right of action or set-off  
against the owner for his actual necessary and reasonable  
25 disbursements by him made or incurred by reason of the  
neglect of the owner.  Outside lad-  
ders or stair-  
ways.
- 3.—(1) The keeper of every hotel shall, where the same is  
30 more than one story in height, provide and keep in each of  
the sleeping apartments or bed-rooms which are situate above  
the ground floor, a fire escape for the use of guests occupying  
the same. Fire escapes to  
be kept in all  
bed-rooms.
- (2) Such fire escape shall be sufficient within the meaning of  
this Act if it consists of a rope three-quarters of an inch in  
thickness, and of sufficient length to reach to the ground below. What deemed  
a sufficient fire  
escape.
- 35 4. The said rope shall be kept in a coil or other convenient  
position in each of the said bed-rooms or sleeping apartments  
and shall have a proper fastener or appliance attached thereto,  
and the outside window or opening of such sleeping apartments  
or bed-rooms shall be provided with proper, secure and conve-  
40 nient fastenings or appliances to which one end of the rope shall  
Fastenings to  
be provided for  
fire escapes.

be secured so as to furnish a safe means of egress from the said rooms in case of fire or other accidents.

Outside fire escapes.

5. In case any hotel shall be provided with outside stationary or other fire escapes, ~~and~~ differing from what is herein provided for, ~~and~~ by means of which, ~~and~~ in the opinion of the license inspector of the district in which any such hotel is situated, ~~and~~ a safe and convenient means of egress from the sleeping apartments or bed-rooms is provided in case of fire, the same shall be deemed a compliance with this Act, so far as relates to all sleeping apartments or bedrooms from the outside window, or openings of which there shall be access to the said fire escapes: ~~and~~ Provided that the keeper of such hotel shall procure a certificate from the license inspector, certifying to the sufficiency of such stationary or other fire escapes. ~~and~~ 5  
10  
15

Notice as to fire escapes to be posted in rooms.

6. The keeper of every hotel shall, in addition to the notices which he is now required by law to keep posted up in each of his sleeping apartments or bed-rooms, also keep posted up therein a notice calling attention to the said fire escapes, and containing full directions for the use of the same, as well as a description of the outside stairway and the situation and means of egress to the same. 20

Penalty.

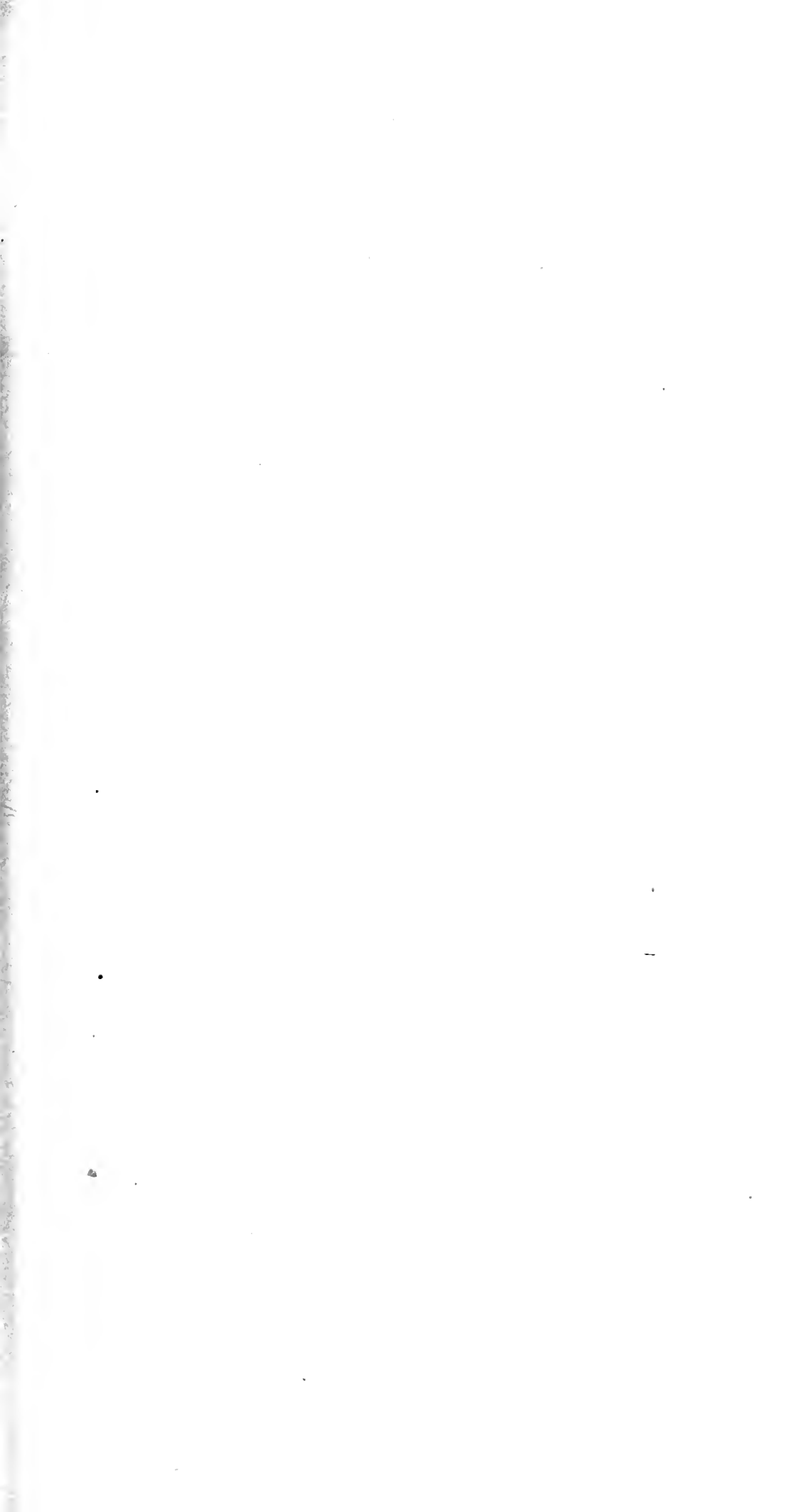
7. In case the *owner, lessee or manager* of any hotel shall neglect to observe *any* of the provisions of this Act, he shall on summary conviction thereof before any Justice of the Peace of the county wherein the said hotel is situate, incur a fine for each offence of not less than \$20 or more than \$200, with costs of prosecution, and in default of immediate payment of such fine and costs, ~~and~~ and there being no distress found out of which such fine and costs can be levied, ~~and~~ shall be committed to the common gaol of the county wherein such offence was committed, for a period not exceeding three months, ~~and~~ in the discretion of the convicting justice or justices, and such conviction shall not be a bar to a prosecution for any continuance of such neglect subsequent to such conviction, but such continued neglect shall from time to time constitute a new offence. ~~and~~ 25  
30  
35

Enforcement of Act.

8. It shall be the duty of the license inspector for the license district in which the hotel is situated to take all necessary proceedings to compel the enforcement of this Act. ~~and~~ 40

Commencement of Act.

9. This Act shall take effect on the first day of November next after the passing thereof. ~~and~~



2nd Session, 6th Legislature, 51 Vic. 1888

BILL.

An Act for the prevention of Accidents by  
fire in hotels and other Public Buildings.

*(Reprinted as amended by Select  
Committee.)*

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First Reading, 1st February, 1888.  
Second " 15th " 1888.

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Mr. MCKAY.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act for the prevention of Accidents by fire in  
hotels and other Public Buildings.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. In the construction of this Act a hotel shall include and  
5 be taken to mean any inn, tavern, public house or place of  
refreshment where lodgings are let, furnished or provided for  
the public, and the words "License District" and the word  
"Inspector" shall have the same meaning as in *The Liquor*  
*License Act.* Interpre-  
tation.
2. Every owner, lessee, or proprietor of a hotel exceeding  
10 two stories in height, shall erect or cause to be erected at  
least one permanent outside stairway or ladder from each  
landing or floor above the first story of such hotel, such  
15 stairway or ladder to be built of iron and to be firmly attached  
to the wall of the building and to be supplied with a hand  
rail on either side, and to be of sufficient strength to sustain  
the weight of at least six full grown persons at the same time;  
and every such lessee or proprietor shall at all times keep  
20 the way or passage to such stairway or ladder unobstructed  
and free of access. Outside lad-  
ders or stair-  
ways. Provided that if by reason of the  
default of any owner, upon reasonable notice in this behalf,  
any lessee or proprietor is compelled to erect a ladder or  
stairway under the provisions of this Act, then said lessee or  
25 proprietor shall have a right of action or set-off against the  
owner for all actual necessary and reasonable disbursements by  
him made or incurred by reason of the default of the owner.
- 3.—(1) The keeper of every hotel shall, where the same is  
30 more than two stories in height, provide and keep in each of  
the sleeping apartments or bed-rooms which are situate above  
the ground floor, a fire escape for the use of guests occupying  
the same. Fire escapes to  
be kept in all  
bed-rooms.
- (2) Such fire escape shall be sufficient within the meaning of  
this Act if it consists of a rope not less than three-quarters  
35 of an inch in thickness, and of sufficient length to reach from  
the room or apartment in which it is kept to the ground below,  
such rope to be kept in a coil or other convenient position in  
each of the said bed-rooms or sleeping apartments; and if  
40 the outside window or opening of such sleeping apartments  
or bed-rooms is provided with proper, secure and convenient  
fastenings or appliances to which one end of the rope may be  
safely secured or fastened. What deemed  
a sufficient fire  
escape.  
Fastenings to  
be provided.

Outside fire escapes.

4. In case any hotel shall be provided with outside stationary or other fire escapes, differing from what is herein provided for, by means of which in the opinion of the inspector of the license district in which any such hotel is situated, a reasonably safe and convenient means of egress from the sleeping apartments or bed-rooms is provided in case of fire, the same shall be deemed a compliance with this Act, so far as relates to all sleeping apartments or bedrooms from the outside windows, or openings of which there shall be access to the said fire escapes: Provided that the keeper of such hotel shall procure a certificate from the inspector, certifying to the sufficiency of such stationary or other fire escapes.

5

10

Notice as to fire escapes to be posted in rooms.

5. The keeper of every hotel shall, in addition to the notices which he is now required by law to keep posted up in each of his sleeping apartments or bed-rooms, also keep posted up therein a notice calling attention to the said fire escapes, and containing full directions for the use of the same, as well as a description of the outside stairway and the situation and means of egress to the same.

15

Penalty.

6. In case the owner, lessee or proprietor of any hotel shall neglect to observe any of the provisions of this Act, he shall on summary conviction thereof incur a fine for each offence of not less than \$20 or more than \$200, with costs of prosecution, and in default of immediate payment of such fine and costs, and there being no distress found out of which such fine and costs can be levied, shall be liable to be committed to the common gaol of the county wherein such offence was committed, for a period not exceeding three months, and such conviction shall not be a bar to a prosecution for any continuance of such neglect subsequent to such conviction, but such continued neglect shall from time to time constitute a new offence.

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Enforcement of Act.

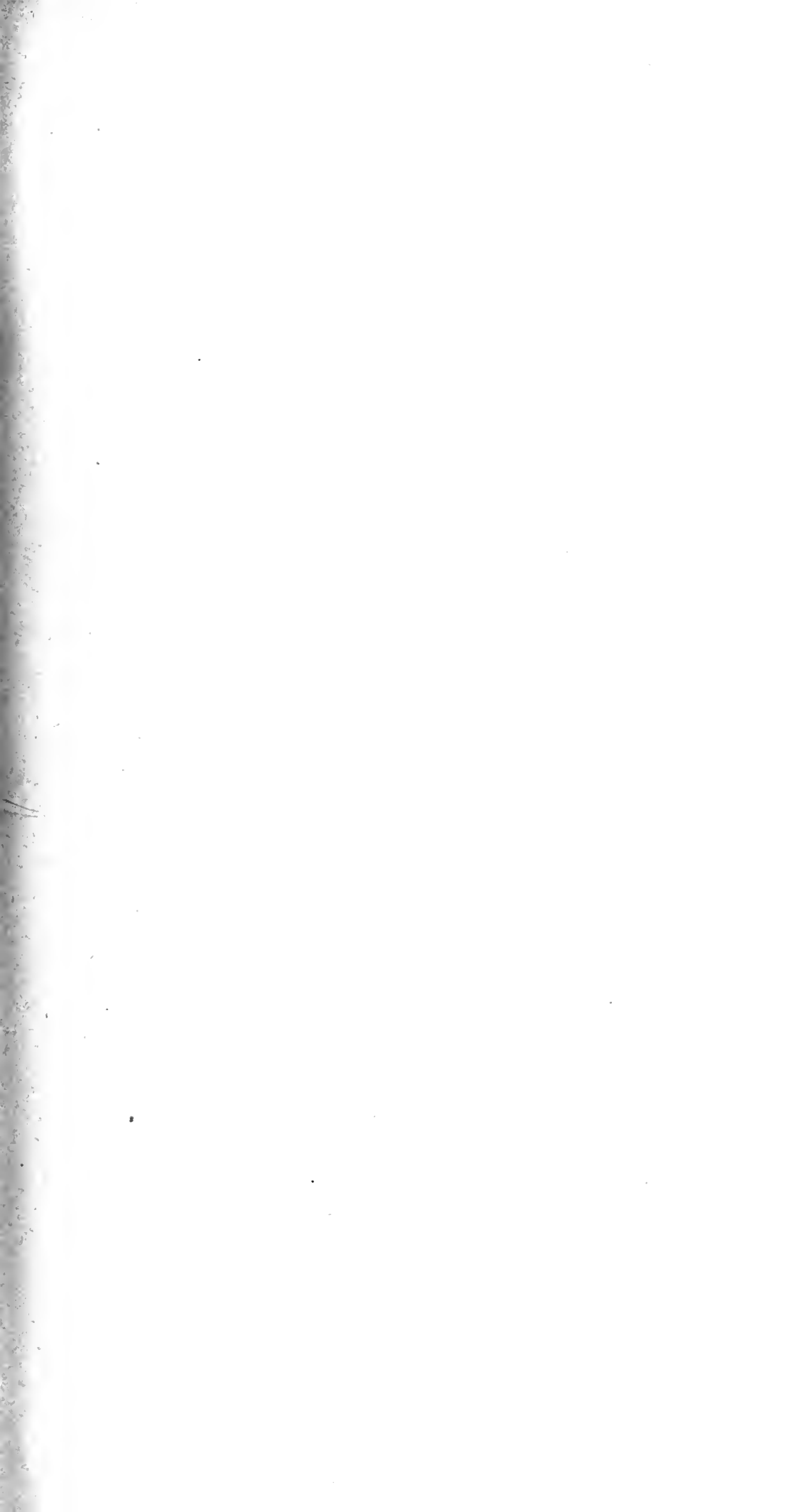
7. It shall be the duty of the inspector for the license district in which the hotel is situated to take all necessary proceedings to compel the enforcement of this Act.

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Commencement of Act.

8. This Act shall take effect on the first day of November next after the passing thereof.





No. 68.

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2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL

An Act for the prevention of Accidents by  
fire in Hotels and other Public Buildings.

*(Re-printed as again amended by Com-  
mittee of the Whole House.)*

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First Reading,	1st February,	1888.
Second " "	15th " "	1888.

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Mr. MCKAY.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

## An Act respecting Conditional Sales of Chattels.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Every hiring, lease or agreement for the sale of goods and chattels, accompanied by an immediate delivery and followed by an actual and continued change of possession, whereby it is agreed that the property in the goods or chattels, or a lien thereon for the price or value thereof or any portion thereof, shall remain in the hirer, lessor or bargainor until the payment in full of such price or value by future payments or otherwise, shall be in writing, signed by the parties thereto or their duly authorized agents in writing (a copy of which authority shall be attached to such agreement), and shall set forth fully, by recital or otherwise, the terms, nature and effect of such hiring, lease or bargain for sale, and the amounts to be paid thereunder, whether expressed as rent, payment or otherwise.

Agreements  
for lien on  
goods to be in  
writing.

2. Every such hiring, lease or agreement for sale shall be null and void as against the creditors and subsequent purchasers or mortgagees of the person to whom such goods and chattels are hired, leased or agreed to be sold, unless

Agreements  
to be void  
unless regis-  
tered.

(a) Within five days from its execution such written instrument or a copy thereof shall be registered as hereinafter provided, and accompanied by an affidavit of a witness thereto of the due execution thereof, or of the due execution of the instrument of which the copy registered purports to be a copy, and by the affidavit of the hirer, lessor or bargainor, or in case such instrument has been signed by an agent or agents of the hirer, lessor or bargainor, then by the affidavit of such agent or agents respectively, stating that the instrument truly sets forth the entire agreement between the parties thereto, and truly sets forth the actual claim, lien or balance due to the hirer, lessor or bargainor, and that such writing is executed in good faith, and for the purpose of securing to the hirer, lessor or bargainor the payment of the claim, lien or charge thereon, at the times and under the terms set out in the instrument, and for no other purpose whatsoever, in the form appended hereto, or to the like effect; and such registration shall be effected in the office of the clerk of the county court of the county or union of counties in which

such instrument is executed, or to which the chattels mentioned therein are permanently removed within the said five days, or

- (b) Unless there is continuously maintained in a conspicuous place upon such chattel, from the time of its delivery and actual change of possession until the hiring, lease or agreement for sale of the same is completely satisfied or terminated, a notice legibly marked or inscribed upon the said chattel, or otherwise affixed thereto in the following terms: Disposed of under 51 Vic., cap. , by (name and post-office address in Ontario of seller, lessor or bargainor), and No. and denoting the class of chattel (if any) to which it belongs.

Provided, that the owner keeps a book at the place within Ontario which is the post-office address mentioned upon or affixed to the chattel, for the information of all persons desirous of ascertaining the ownership of the chattel, and registers therein according to the form given in the schedule appended hereto, or to the like effect, and numbered consecutively in the class (if any) to which such chattel belongs,

- (a) The number marked upon the chattel ;  
 (b) The name, business and place of abode of the person who hired, leased, bargained or received the chattel, and  
 (c) The date at which it was hired, leased or bargained ;  
 (d) The description and class of the chattel ;  
 (e) The consideration therefor ;  
 (f) The sums paid in respect thereof, distinguishing which are for interest, with dates of payment, and that such book, together with the written instrument, with the person who hired, leased bargained or received the chattel, be kept open at all reasonable hours to the inspection of any person having occasion to acquire information in reference to the said chattel upon payment of ten cents for one search for all information in reference to the said chattel.

Forfeiture of rights by failure to answer enquiries.

3. In case the owner, lessor or bargainor omits to give the information required by this Act, at his place of business, or within twenty-four hours, to written enquiries made to him by letter, accompanied with a fee of ten cents, he shall be deemed to have abandoned any claim, lien or interest in such chattel as against the rights thereto of the applicant acquired subsequent to the application.

Penalty for defacing marks.

4. If any person shall brand, stamp, mark or inscribe any chattel with the name of a person who has no interest or property therein, or shall deface or efface any stamp, mark or impression upon or affixed to any chattel, under this Act, without the authority of the owner thereof, he shall be liable to a fine not exceeding \$200, or to imprisonment for a term not exceeding three months, or both.

5. Nothing in this Act shall be construed as making valid any hiring, lease or agreement for the sale of goods and chattels which would not be held valid as against creditors, subsequent purchasers and mortgagees in good faith for valuable consideration before the passing of this Act, or where the entire agreement between the parties thereto is not truly set forth in the instrument referred to in section 1 of this Act.

Act not to make good agreements otherwise invalid.

6. Where goods and chattels are hired, leased or bargained for sale as aforesaid and delivered, and default is made in the payments provided for in the agreement between the parties, it shall not be lawful for the hirer, lessor or bargainer, or his or their agents or servants, to take possession of said goods and chattels in cases where over fifty per cent. of the original purchase money, or contract price, has been paid, without having first given notice to the party who has hired, leased or bargained for such chattel, of his intention so to do; and in case the payment or payments in default are not paid within ten days after the service of such notice, then the hirer, lessor or bargainer may take possession of the said goods and chattels, and shall refund to the party who has hired, leased or bargained for such goods and chattels, the sum or sums of money paid on account thereof, by such party, after deducting therefrom a reasonable compensation for the use of such goods and chattels, for the depreciation in value through such use, and a reasonable amount for any damage that may have accrued to such goods and chattels, while in possession of the party who hired, leased or bargained for the same, and in case the parties cannot agree upon the amount of such reasonable compensation for use, depreciation or damage, the hirer, lessor or bargainer shall, as soon as he takes possession of such goods and chattels, advertise and sell the same, in the same manner and with the same notices as are required in cases of sales under execution issued out of the Division Court, and the residue (if any) realized from the sale of such goods and chattels, after paying the balance due to the hirer, lessor or bargainer, and interest thereon (at the rate of six per cent. per annum), and the expenses attending the advertising and sale, shall be paid over to the party who so hired, leased or bargained for such goods and chattels.

Right to possession on default restricted.

7. Sections 8 to 10, 16 to 24, and 27 to 29 inclusive of *The Act respecting Mortgages and Sales of Personal Property* are incorporated herewith so far as they are applicable to the instruments under this Act, and are not inconsistent herewith, except that the fees payable to the clerks with whom such instruments are filed, shall be one-half the amount allowed them under the said Act for similar services.

Rev. Stat. c. 125, ss. 8-10, 16-24, and 27-29 incorporated.





2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL

An Act respecting Conditional Sales of  
Chattels.

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First Reading, 1st February, 1888.

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MR. NAIRN.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



## An Act respecting Conditional Sales of Chattels.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—


1. From and after the coming into force of this Act, receipt notes, hire receipts and orders for chattels, given by bailees of chattels, where the condition of the bailment is such that the possession of the chattel should pass without any ownership therein being acquired by the bailee until the payment of the purchase or consideration money or some stipulated part thereof, shall only be valid as against subsequent purchasers or mortgagees without notice in good faith for valuable consideration in the case of manufactured goods or chattels, which at the time the bailment is entered into, have the name and address of the manufacturer, bailor or vendor of same painted, printed, stamped or engraved thereon or otherwise plainly attached thereto, and no such bailment shall be valid as against such subsequent purchaser or mortgagee as aforesaid, unless it is evidenced in writing, signed by the bailee or his agent.
2. Every manufacturer, bailor or vendor shall, on application, within five days furnish to any applicant full information respecting the amount or balance due or unpaid on any such manufactured goods or chattels, and the terms of payment of such amount or balance, and in case of refusal or neglect to furnish the information asked for, such manufacturer, bailor or vendor shall be liable to a fine of not less than \$10 nor more than \$50 on conviction before any stipendiary or police magistrate or two justices of the peace. Any person convicted under this Act shall have the right to appeal to the County Judge against such conviction.
3. The person so enquiring (if by letter) shall give a name and post office address to which a reply may be sent, and it shall be sufficient if the information aforesaid be given by registered letter deposited in the post office within the said five days, addressed to the person enquiring at his proper post office address, or where a name and address is given as aforesaid, addressed to such person by the name and at the post office so given.
4. If any manufacturer, bailor or vendor of such chattel or chattels or his successor in interest where there has been a conditional sale or promise of sale, take possession thereof for breach of condition, he shall retain the same for twenty-five days, and the bailee or his successor, in interest, may redeem the same within such period on payment of the full amount of



Conditional sales of manufactured goods when to be valid.



Statement of amount due to be given on request.



Address to be given by person demanding statement.



Power to redeem chattel.



the price then unpaid, together with interest and the actual costs and expenses of taking possession which have been incurred. 

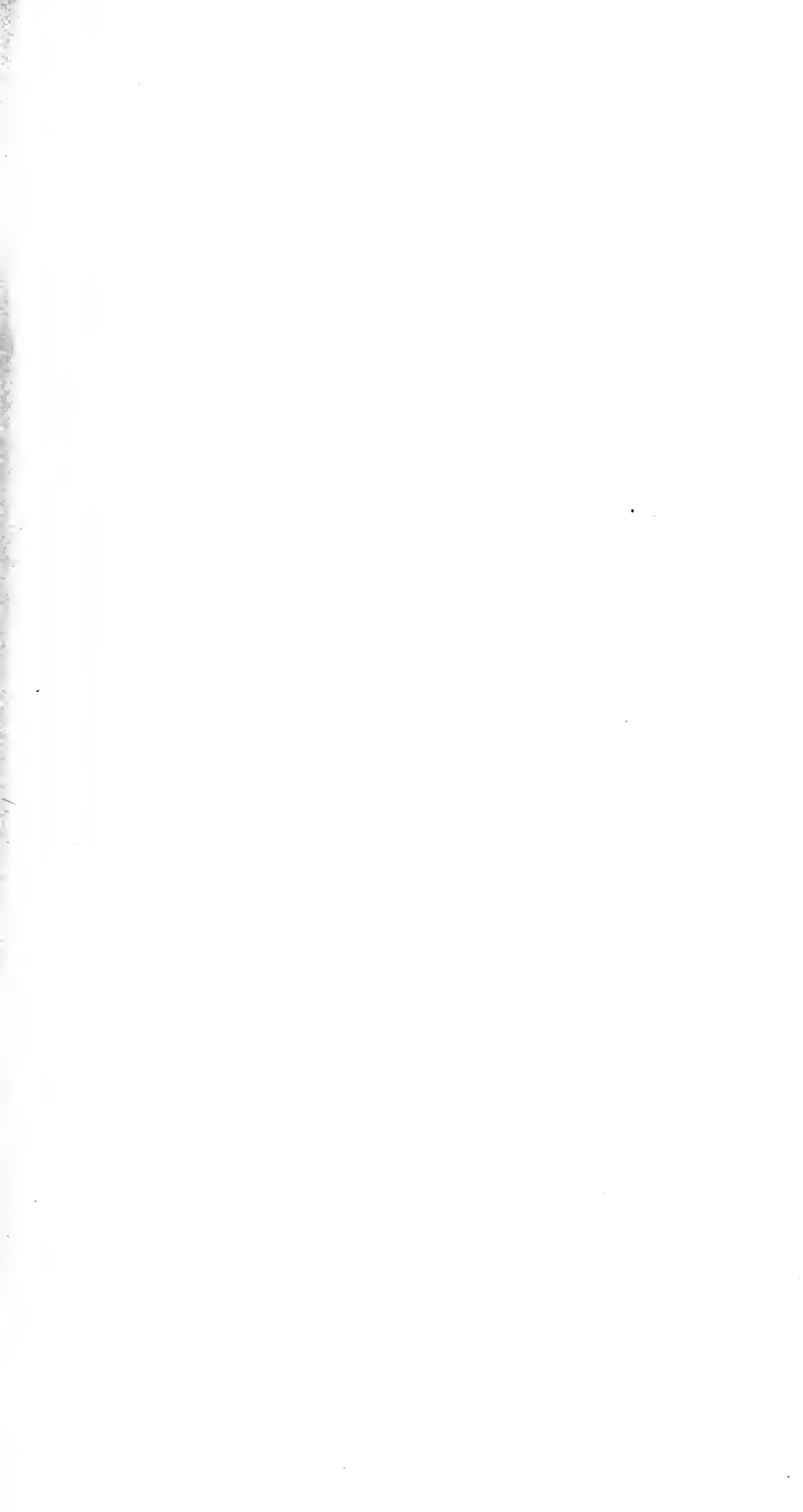
Notice of sale.  5. When the goods or chattels have been sold or bailed originally for a greater sum than \$30, the same, when taken possession of, as in the preceding section mentioned, shall not be sold without five days' notice of the intended sale being first given to the bailee or his successor in interest. The notice may be personally served or may, in the absence of such bailee or his successor in interest, be left at his residence or last known place of abode in Ontario.  10

Section 1 not to apply to household furniture.  6. Section 1 of this Act shall not apply to household furniture, but pianos, organs, or other musical instruments are not included in the term "household furniture" when it appears in this section; nor shall section 1 apply to chattels where the manufacturer, bailor or vendor, within ten days from the execution of any receipt note, hire receipt, order or other instrument evidencing the bailment or conditional sale given to secure the purchase money, or part thereof, shall file with the clerk of the county court of the county in which the bailee or conditional purchaser resided at the time of the bailment or conditional purchase, a copy of the said receipt note, hire receipt, order or other instrument evidencing the bailment or conditional sale.  15  
 Section 1 not to apply when copy of receipt filed with clerk of county court. 20

Clerk to file copy of receipt  7. The clerk of the court, on receipt of such copy, shall duly file the same and cause it to be properly entered in an index book to be kept for that purpose, and shall be entitled to charge ten cents for every such filing and five cents for every search in respect thereof. A clerical error which does not mislead, or an error in an immaterial or non-essential part of the said copy so filed, shall not invalidate the said filing or destroy the effect thereof.  30

Copy of receipt to be left with vendee.  8. The manufacturer, bailor or vendor shall leave a copy of the receipt note, hire receipt or other instrument by which a lien on the chattel is retained, or which provides for a conditional sale, with the bailee or conditional vendee at the time of the execution of the instrument, or within ten days thereafter.  35

Commencement of Act.  9. This Act shall not come into force until the first day of August, 1888.  40



2nd Session, 6th Legislature, 51 Vic. 1888.

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BILL.

An Act respecting Conditional Sales of  
Chattels.

*Re-printed as amended by Select Committee.*

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First Reading, 1st February, 1888.  
Second " 9th March, 1888.

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Mr. NAIRN.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;—

1. Sub-section 2 of section 522 of *The Municipal Act* is hereby repealed. Rev. Stat. c. 184, s. 522 (2) repealed.

2. Section 535 of the said Act is amended by adding the following sub-sections thereto, — Rev. Stat. c. 184, s. 535 amended.

(3) Where a river or stream forms a boundary line between two or more municipalities within a county, it shall be the duty of the council of the county to keep such river or stream free from all accumulation of driftwood or fallen timber now or hereafter accumulated. County council to keep river or stream free of driftwood.

(4) In the case of any river or stream which forms a boundary line between two or more counties, or a county, city, or separated town, it shall be the duty of the councils of the county or counties, city and separated town respectively to keep such river or stream free from all accumulation of drifted or fallen timber now or hereafter accumulated; and in case the councils fail to agree as to the respective portion of the expense to be borne by the municipalities interested, the same shall be decided by arbitration under the provisions of this Act, and the award made shall be final. Councils of counties, cities or separated towns to keep stream free from driftwood.

3. Where any person or persons, or any incorporated company, or any municipal corporation claims compensation for damages sustained either to person or property of any kind whatsoever, from the council of any county, city, town, township or incorporated village, the claim shall be settled by arbitration under the provisions of this Act respecting arbitrations, and the award made shall be final. Claims for damages to be settled by arbitration.

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2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL.

An Act to amend the Municipal Act.

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First Reading, 1st February, 1888.

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MR. WATERS.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

BILL.

An Act to Amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sections 88, 89, 90, 91, 97 and 98 of *The Assessment Act* Sections 88-91, 5 are hereby repealed, and the following substituted in lieu of 97 and 98 of Rev. Stat. c. 193 repealed. section 98:—

98. The sum to be paid for commutation of statute labour under the provisions of sections 94, 95 and 96, when paid by non-resident owners under the provisions of section 100, 10 and by resident owners under the provisions of section 101, shall be paid to the overseer of highways in the statute labour division where the property is situate; and shall by him be expended for the improvement of the roads in such statute labour division, unless otherwise directed by the council. Commutation of statute labour to be paid to overseer of highways.

No. 71.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Assessment Act.

First Reading, 1st February, 1888.

MR. WATERS.

TORONTO,

PRINTED BY WARWICK & SONS, 26 & 28 FRONT ST. W.



## An Act to amend the Ditches and Watercourses Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- 1—(1) Every railway company shall be considered as an owner of lands under the provisions of *The Ditches and Watercourses Act*. Railway Company an owner under Rev. Stat., c. 220.
- (2) The engineer of a railway company shall be the party upon whom any notice shall be served on behalf of such company, under the provisions of the said Act, and any duties that such engineer performs under this Act shall be held to be performed by the railway company. Services of notices to be made on engineers.
2. Every existing ditch, drain, creek or watercourse, running along or under any railway, may be used when it is found and reported upon in an award made by the engineer of the municipality under the provisions of the said Act, that such ditch, drain, creek or watercourse is necessary as an outlet for any ditch or drain that has been or may be constructed under the provisions of the said Act, and any such existing ditch, drain, creek or watercourse running along or under such railway, may be deepened, widened or extended so as to meet the requirements of the ditch or drain heretofore or hereafter constructed, or of the deepening or widening of any watercourse under the provisions of the said Act. The work shall be done in such a manner as not to injure the bridges, culverts or road-bed of the railway, or in any way to interfere with traffic. Ditches, drains, creeks or watercourses along and under railways to be used as outlets. Work not to injure railway or impede traffic.
3. The engineer of the municipality in every case when he awards that the ditch, drain, creek or watercourse running along or under any railway, is to be used for the purposes aforesaid, shall file with such award a plan or profile of the position of the ditch, drain, creek or watercourse running along or under such railway, together with a statement of the estimated cost of the work to be done upon the lands of the railway. Plan and profile, with estimated cost of work, to be filed.
4. When so found and awarded, the clerk of the municipality shall, within six days after the filing of the award, send by registered letter to the engineer of the railway a copy of the award, together with a copy of the plan or profile, and also a copy of the statement of the estimated cost of the work, as made by the engineer of the municipality. Clerk to send to engineer of railway plan and estimated cost of work.

Notice of com- 5. The clerk of the municipality shall, within four days  
mencing work after the expiration of the time for appeal, or if an appeal has  
to be served. been made, after such appeal has been decided, send to the  
railway engineer (by registered letter) a notice, stating the  
place and day upon which the work will be commenced and  
proceeded with, said day not to be sooner than fifteen days from  
the day of mailing the notice, and in such letter or notice he  
shall ask the railway engineer which of the following modes  
of doing the work he will select on behalf of the railway com-  
pany. 10

Performance of work by company. (1) First, the railway company to do the work by their own employees for the amount as estimated by the engineer of the municipality, or for the actual amount paid to the employees as wages. 15

Performance of work by parties liable for cost. (2) Or that the work may be performed by the party or parties who are liable for the cost or performance of said work 15 under the provisions of the award, and under the supervision of the railway engineer or some one acting in his behalf. 20

Engineer to notify clerk which mode he selects. (3) The engineer of the railway shall, within ten days after receiving the said notice, notify the clerk of the municipality by registered letter, which of the said modes of doing the work he will select on behalf of the railway company, and if he decides to do the work under the provisions of sub-section 2 of this section, he shall fix a day upon which he, or some one on his behalf, shall be ready to proceed with the supervision of the work, and the clerk of the municipality shall forthwith 25 serve a notice upon the parties who are liable to perform the work, notifying them of the day fixed by the engineer of the railway for the commencement of the work. 25

When work is completed the railway engineer is to file a certificate with the clerk of the municipality. (4) If the engineer of the railway decides to have the work performed under the provisions of sub-section 1 of this sec- 30 tion, then in such case, when the work is completed, he shall send to the clerk of the municipality, by registered letter, a certificate certifying that the work has been completed in accordance with the provisions of the copy of the award fur- 35 nished him, and if the work has been performed for the actual amount of wages paid to the employees of the railway company, he shall send with such certificate a statement of such amount, or if the work has been done under the provisions of sub-section 2 of this section, then in such case he shall simply certify to the completion of the work, in accordance 40 with the award. 40

When work is completed payment to be made. (5) When the work is performed under the provisions of sub-section 1, the council shall, at their first meeting after the clerk has received the certificate mentioned in the preceding sub-section, order the payment of the cost of the work; the 45 same shall be paid to the engineer of the railway, or some one authorized by him to receive such sum, and if not paid by the party or parties who are liable for the same, it shall be entered upon the collector's roll, as provided in sections 14 and 18 of *The Ditches and Watercourses Act*. 50

Railway company to enlarge culverts if required. (6) The engineer of the municipality, in any case where he is of the opinion and satisfied that any culvert under the rail- way through which the flow of water from the aforementioned ditch, drain, creek or watercourse is discharged, is not of suffi- 55 cient capacity to carry off such water, shall have full power 55

to order and award the enlarging of any such culvert, either by widening or deepening the same, such widening and deepening shall be performed by the railway company, and at the entire cost of such company.

- 5 **7.** If the railway company neglect or refuse to proceed with the work within the time specified in the award for the completion of the same, then in such case the party or parties who are liable for the cost of the same may proceed and perform the work, and shall have full power without let or hindrance  
10 by the railway company to enter upon the lands of such company and complete the work in accordance with the award as made by the engineer of the municipality, and subject to his supervision and inspection, saving and excepting the enlarging of a culvert.
- 15 **8.** If the railway company refuse to enlarge a culvert after the engineer of the municipality has awarded that such enlargement is necessary, then in any such case the railway company shall be liable for all damages sustained by the parties embraced in the award on account of the non-enlargement of  
20 such culvert by the railway company; such damages shall accrue from the date mentioned in the award for the completion of the work.
- 9.** The railway company shall not be liable for any portion of the work except the enlarging of a culvert by widening or  
25 deepening the same.
- 10.** The railway company shall have the same right of appeal as any owner has under the said Act; but the appeal of the railway company shall be confined to the right of the use of the ditch, drain, creek or watercourse running along or  
30 under the railway, and the enlargement of any culvert.
- 11.** No action for damages shall be taken by any railway company against any municipal corporation, engineer of any municipality, or any person or persons who under an award of the engineer of a municipality made under the provisions of  
35 this Act, enter upon the lands of such railway company for the purpose of performing and completing the work authorized to be done under any such award.
- 12.** All the provisions of *The Ditches and Watercourses Act* shall, as far as practicable, apply to proceedings taken  
40 under this Act.
- 13.** All the provisions of this Act shall be known as "The Railway Clauses" of *The Ditches and Watercourses Act*.

Parties who are liable may do the work if the company refuse.

Railway company liable for damages if culvert is not enlarged.

Company only liable for culvert.

Company may appeal.

No action for damages against corporation, engineer or others.

Rev. Stat. c. 220 to apply to proceedings under this Act.

Short mode of citing.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to amend the Ditches and Water-  
courses Act.

First Reading, 1st February, 1888.

Mr. WATERS.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to enable Widows and Unmarried Women to vote for members of the Legislative Assembly.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Every widow and unmarried woman of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, and not being disqualified under any Act of the Legislature, or otherwise by law prevented from voting, shall also if duly entered on the list of voters proper to be used at the election then pending, according to the provisions of *The Voters' Lists Act*, or of this Act, be entitled to vote at elections of members to serve in the Legislative Assembly of this Province, that is to say :—

Firstly.—Every widow or unmarried woman entered on the revised assessment roll, upon which the voters' list used at the election is based for any city, town, incorporated village, or township, for real property of the value hereinafter mentioned, and being at the time of the final revision and correction of said assessment roll, and also at the time of the election, a resident of, and domiciled within the electoral district for which such widow or unmarried woman claims to vote.

(a) Such widow or unmarried woman must (subject to the provisions hereinafter contained) have been rated on such assessment roll as the owner, tenant, or occupant of real property of the actual value of not less than the following :

In Cities and Towns, \$200.  
In Incorporated Villages and Townships, \$100.

(b) When any real property is owned or occupied jointly by two or more persons, (being widows or unmarried women or otherwise) and is rated at an amount sufficient if equally divided between them, to give a qualification to each unmarried woman, or widow, then each of them shall be deemed rated within this Act, otherwise none of them shall be deemed so rated.

Secondly.—Every widow or unmarried woman who is residing at the time of the election, in the electoral district in which she tenders her vote, and has resided therein continuously since the completion of the last revised assessment roll of the municipality, and derives an income from some trade, occupation, calling, office or profession, of not less than \$250 annually, and has been assessed for such income in and by the assessment roll of the municipality upon which the voters' list used at the election is based.

Wage-earner's franchise \$250. Thirdly.—Every widow or unmarried woman entered on the last revised assessment roll as a wage-earner, who is residing at the time of the election in the electoral district in which she tenders her vote, and has resided therein continuously since the completion of the last revised assessment roll of the municipality, and who has during the twelve months next prior to being so entered, derived or earned wages or income from some trade, occupation, calling, office or profession, of not less than \$250. 5

Wage-earner's value of board and lodging included in townships. (a) In estimating or ascertaining the amount of wages, or income, so earned or derived by a person so entered as a wage-earner in the assessment roll of a municipality, not being a city, town or village, the fair value of any board or lodging furnished, or given to, or received, or had by him as or in lieu of wages, or as part thereof, shall be considered or included. 10 15

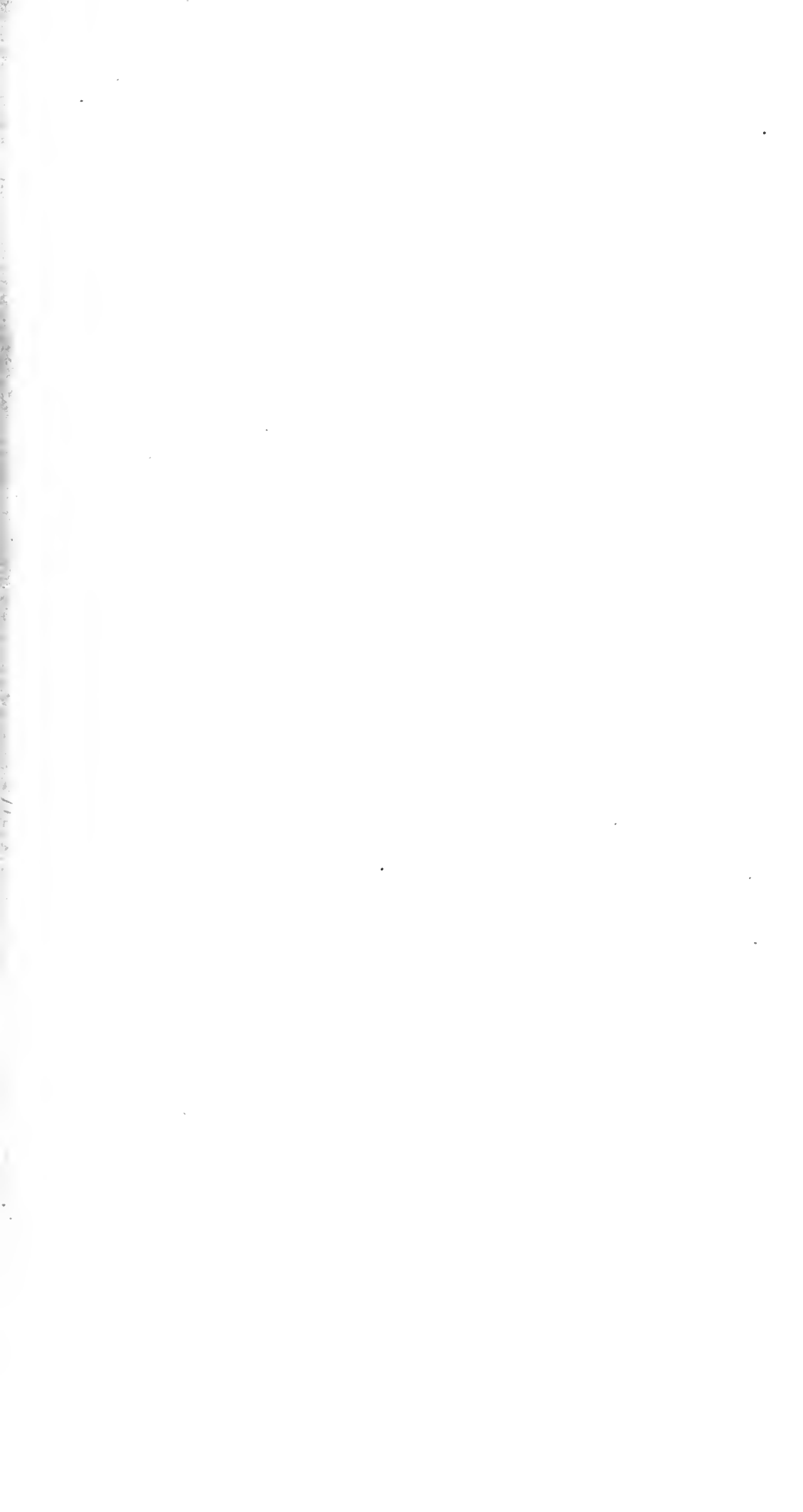
Householder. Fourthly.—Every widow or unmarried woman entered as a householder in the last revised assessment roll of the local municipality in which she tenders her vote, and who is residing at the time of the election in the electoral district in which she tenders her vote, and has resided there continuously since the completion of the last revised assessment roll. 20

Widows and unmarried women to vote in Algoma, etc. Fifthly.—Every widow and unmarried woman shall have the right to vote in such of the municipalities, townships and places in the electoral districts of Algoma East, Algoma West, East Victoria, East Peterborough, North Hastings, North Renfrew, Muskoka, and Parry Sound, as have no assessment roll, and subject to the provisions hereinafter contained, every such widow and unmarried woman of the full age of twenty-one years, and being a subject of Her Majesty by birth or naturalization, and being not otherwise disqualified, who is at the time of the election a resident of and domiciled within the electoral district for which she claims to vote, and is actually and *bona fide* owner of real estate, in such electoral district of the value of \$200 or upwards, or who is at the time of the election a resident householder of such place, and has been such owner or householder for the six months next preceding the election. 25 30 35

Certain provisions of Voters' List Act applicable to this Act. 2. All the provisions of *The Voters' Lists Act*, and *The Assessment Act*, pertaining to male voters (having the same qualification as widows and unmarried women have under this Act) shall apply to widows and unmarried women, together with all forms of oaths or affirmations included in said Acts, and in *The Ontario Election Act*. 40

Rev. Stat. c. 9, s. 6, repealed. 3. Section 6 of *The Ontario Election Act* is hereby repealed. 45

Act to be read with Rev. Stat. c. 9. 4. This Act shall be read as part of *The Ontario Election Act*.



No. 73.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to enable Widows and Unmarried  
Women to vote for members of the  
Legislative Assembly.

First Reading, 1st February, 1888.

MR. WATERS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W



An Act to authorize the appointment of Fire Guardians, and for the better prevention of bush fires.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) The council of a township municipality may, at its first Appointment of fire guardians. meeting in any year hereafter, or at a special meeting to be called for the purpose, within two months after the passing of this Act, appoint by by-law a sufficient number of resident householders within the municipality to carry out the provisions of this Act, and the by-laws or rules, if any, passed under its authority with respect to the prevention of bush fires and protection of property therefrom.

(2) The persons so appointed shall be called and known as "fire guardians," and shall hold office until the first meeting of a new council elected after their appointment.

2. No person shall, after the passing of a by-law under this Act, in any township, set out or set fire to any brush heap or other combustible material in any field, clearance or place in such township where the same would be likely to spread, between the first day of June and the first of October in any year, without having first obtained leave in writing from the fire guardian appointed by the council resident nearest to the place where the brush heap or other combustible material is situate to which he desires to set fire, whether for the purpose of clearing land or otherwise. Leave to be obtained before setting out fires.

3. The obtaining of such leave or permission in writing of the proper fire guardian shall not be pleaded or given in evidence in any action for negligently setting out fire, or in extenuation of, or in mitigation of damages; but the absence of such leave or permission shall in such an action be deemed *prima facie* evidence of negligence. Leave not to be relied on in actions for negligence.

4. It shall be the duty of a fire guardian appointed as aforesaid, on being requested to grant leave and permission to set out fire, to examine the place at which it is intended to set out the fire and the adjoining lands and the timber trees and other property thereon, and to consider the state of the wind and weather at the time of such request, and all the probabilities as to whether it would be a reasonably safe thing to set out fire at the time and at the place mentioned in such request: and it shall be his duty to refuse such request, and decline to grant leave and permission, if the fact be that it would not be safe by reason of the danger of fire spreading therefrom or otherwise. Inspection by fire guardian before granting leave.

Matters to be provided for in the by-law.

5. The council of any township municipality may in and by the by-law make provisions (1) for the payment to the fire guardian for his services; (2) for supplying the appliances necessary for extinguishing a fire; (3) as to the duties of the fire guardians appointed and all other residents in case a bush fire calculated to cause damage or loss of property has been started in or is approaching the municipality; (4) as to the rules and regulations (not contrary to law) which shall guide the guardians and residents, the distance from which parties may be required to attend any fire, the means, appliances and material to be used in extinguishing or preventing the spread of a fire, and as to all the matters within the scope of their authority which the council may think advisable, and their experience and the position of the municipality may suggest, as being conducive to the carrying out of the intention of the Act and the by-laws passed thereunder; (5) the penalty to be imposed upon fire guardians and others refusing to perform or neglecting their duties under this Act or the by-law or contravening any provision thereof.

Penalty.

6. Any person setting out fire as aforesaid without leave and permission as aforesaid, shall be subject to a penalty of not exceeding \$100 for each offence, which penalty may be sued for and recovered on information of any resident rate-payer in the municipality before a police magistrate or two justices of the peace sitting together, or by action in the Division Court held in the division in which the fire was set out.

Application of penalty.

7. The plaintiff or complainant shall be entitled to one moiety of the penalty, and the other moiety shall be paid over to the treasurer of the municipality, except costs, all of which shall go to the plaintiff, if ordered to be paid by the judge; and in case the defendant be ordered to pay the plaintiff's costs, and the same cannot on execution be recovered by the plaintiff, the treasurer of the municipality shall pay the plaintiff's costs, unless the judge who tries the case otherwise orders.



**BILL.**

An Act to authorize the appointment of  
Fire Guardians, and for the better pre-  
vention of bush fires.

First Reading, 1st February, 1888.

Mr. FRENCH.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act respecting Municipal Fire Insurance.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Municipal Fire Insurance Act, 1888*," and shall apply solely to township municipalities. Title and application of Act.

5  
2.—(1) Any municipal township council may bring this Act into force in manner following: Whenever a petition is presented to a municipal township council before the first day of October in any year, signed by one hundred or more persons, Proceedings for bringing Act into force. Petition to Council and submission of by-law at annual municipal election.  
10 owners of property of the assessed value of \$        or upwards on the last revised assessment roll of the municipality, praying for the establishment of municipal fire insurance in said municipality under the provisions of this Act, the council shall, within one month thereafter, pass a by-law giving effect to the prayer of said petition, and shall submit the same, as  
15 hereinafter provided, for the assent of those duly qualified to vote on such by-law at the next annual municipal election to be held in the municipality.

(2) The council shall publish a copy of the by-law in some Publication of by-law.  
20 public newspaper published either within the municipality, or in the county town, or in a public newspaper published in an adjoining municipality, as the council may by resolution designate, and the publication shall be continued in at least one number of such paper each week for three successive weeks, and the council shall put up a copy of the by-law at four or  
25 more of the most public places in the municipality.

(3) Appended to each copy, so published and posted, shall be a notice signed by the clerk of the council stating that such copy is a true copy of the by-law to be voted upon, by those Notice annexed to published by-law.  
30 duly qualified to vote thereon, at the next annual municipal election to be held in the municipality.

3. The vote on the by-law shall be by ballot, and all persons whose names appear on the last revised assessment roll of the municipality, as owners of property within the municipality, Vote on by-law, how taken; who entitled to vote.  
35 shall be entitled to vote on the by-law, and if two-fifths of the votes of all persons so entitled to vote, as well as a majority of the votes cast, are in favour of the by-law, and the by-law is not disallowed or quashed, as hereinafter provided, then the Act shall be deemed to be adopted by the municipality, When Act deemed to be adopted by municipality.  
40 and shall come into force therein on the first day of January following.

Opposition to by-law, how and when to be made.

4.—(1) In case any person duly qualified to vote on the by-law objects to the same being brought into force, he shall, on petitioning the council, be at liberty to attend in person, or by counsel or solicitor, before the council or before a committee of the council appointed to hear evidence thereon, at any meeting held within six months after the day when the vote on the by-law has been taken, and may produce evidence that the necessary notice of the voting on the by-law was not given, or that there is not a sufficient number of genuine signatures to the petition for the by-law, or that the signatures were obtained upon incorrect statements, and that the remaining signatures do not amount to the number nor represent the amount of property necessary to give effect to the petition. 5 10

When by-law shall be disallowed by council.

(2) If the council is satisfied upon the evidence that the petition for the by-law does not contain the names of a sufficient number of persons whose names were obtained without fraud and in good faith, and also represent the requisite amount of property; or if the council is satisfied that the notice required by the Act was not duly given, the council shall disallow the by-law, and it shall not be brought into force in the municipality. 15 20

Application to quash by-law, when to be made.

5. No application to quash any such by-law, in whole or in part, shall be entertained by any court unless such application is made to such court within six months after the by-law has received the assent of those duly qualified to vote thereon. 25

Effect of adoption of Act by the municipality.

6. Upon the adoption of the Act by the municipality, as aforesaid, all the insurable property within the municipality shall be insured and kept insured, from year to year, by the council of the municipality against loss or damage by fire or lightning as herein provided, and the owners of such property shall be liable to be assessed for the rates for insurance in the same manner and to the same extent as they are assessed for rates for other municipal purposes. 30

#### POWERS OF TOWNSHIP COUNCILS.

Township council to have management of insurance under the Act.

7. The council of the municipality, through its officers hereinafter named, and such other officers as it may see fit to appoint, shall have the management, control and direction of the work and business of insurance carried on by the municipality, and of all matters relating thereto, subject to the provisions of this Act, and shall, in addition to the powers given them herein, possess the like powers in respect thereof as are possessed by them for other municipal purposes under *The Municipal Act* of this Province. 35 40

Purposes for which council's powers may be exercised.

8. Such powers may be exercised for the following purposes, viz.: To assess and levy taxes for insurance under this Act according to a scale of rates prepared by the inspector of insurance for the Province, subject to the approval of the the Lieutenant-Governor in Council, to defray the expenses of management, to pay all just expenditure and losses incurred, and to create a reserve fund. 45 50

9. The council may, from time to time, pass such by-laws subject to the provisions of this Act and not inconsistent with or contrary to law, as may be necessary to carry out the objects and intentions of this Act, and to give effect to the provisions thereof; and may, from time to time, alter and amend the said by-laws. Council may pass and amend by-laws to carry out objects of Act.
10. The costs and expenses of management shall be borne in equal proportion by all properties insured under this Act, the same percentage rate therefor being levied upon all such properties alike. Expenses of management, how borne.
11. The reserve fund shall not exceed two per centum of the gross amount at risk, and shall consist of all moneys which remain on hand at the end of each year after payment of the ordinary expenses and losses. Reserve fund.
12. Such reserve fund shall be invested in mortgages on freehold farm property, municipal debentures, and the public securities of the Dominion or of this Province, or may remain in a chartered bank in Ontario on deposit at interest in the name of the municipality: provided that no investment in mortgage on freehold farm property shall in any case exceed one half the actual cash value of such property. Investment of reserve fund. Proviso as to mortgage investments.
13. The following property may be insured under the Act: viz., dwelling houses, stores, shops, and other buildings, household furniture, merchandise, machinery, live stock, agricultural implements, farm produce, and other commodities; and these may be insured by the municipality against damage or loss by fire or lightning, whether the same happen by accident or any other means, except that of design on the part of the insured, or by the invasion of an enemy, or by insurrection. What property may be insured.
14. The liabilities of the municipality for insurance under this Act shall be deemed to commence at the time of the return by the valuers of this valuation schedules to the clerk of this municipality as hereinafter provided. When insurance liabilities of municipality to commence.

#### RISKS AND LOSSES.—(GENERAL PROVISIONS.)

- 15.—(1) Short date risks of not less than two months duration may be entered by the valuers, and accepted by the council, on payment of a cash premium therefor to the treasurer within thirty days after the valuation of the property on which such risks are taken. Short date risks.
- (2) The rate payable by the assured for such risks shall be, for the time they are current, twenty per centum higher than the ordinary rate for such time, during the previous year, on the same property insured. Rate payable therefor.
16. The maximum risk to be taken on any building or buildings and contents shall be \$6,000. In any case in which such building or buildings, whether owned by one or more persons, are not isolated forty feet, and in which the real value of the building or buildings and contents exceeds the maximum amount of risk that may be taken thereon, the building or buildings alone shall be first valued and the risk, Maximum risks. Provision as to risks on non-isolated property whose real value exceeds maximum risks.

to any amount not exceeding the maximum, shall be first taken thereon, and the balance of the risk, if any, shall be taken on the contents.

Division of risks on property of joint owners.

**17.** When any such building or buildings and contents are owned by more than one person, the risk thereon shall be divided between or amongst the several owners, and shall be borne by the municipality in proportion to the value of the interest of each in the property insured. 5

Cancellation of risks.

**18.**—(1) The council shall be at liberty to cancel any risk which they may deem extra hazardous by giving notice to the assured, and, wherever necessary, by tendering therewith a ratable proportion of the insurance rates for the unexpired term, as provided by section 36, sub-section 13, of this Act. 10

Effect of cancellation of risks.

(2) Upon the cancellation of any risk as aforesaid, the assured, whose risk has been cancelled, shall be exempt from 15 assessment for taxes for insurance purposes, and from all liabilities for payment of the same.

Amount payable for loss or damage.

**19.** The amount payable to the assured by the municipality shall in no case exceed seventy per centum of the total amount of loss or damage incurred. 20

Liabilities of municipalities when property also insured by insurance companies.

**20.** In the case of the happening of any loss or damage to property insured both by the municipality and any fire insurance company doing business within the municipality, the municipality shall be first liable to pay the full proportion of such loss or damage, within seventy per centum of the total loss 25 incurred, before recourse shall be had to any such company.

#### MUNICIPAL INSURANCE OFFICERS AND THEIR DUTIES.

The assessors to be valuers of all insurable property. Proviso as to live stock valuations.

**21.** The assessors of the municipality shall be the valuers of all property insurable under this Act, and shall in the performance of their duties as such valuers take cash valuations of all such property: provided that, in the case of live stock, the valuations shall be the present market value for meat or working purposes, and that there shall be no enhancement of value by reason of pedigrees. 30

Valuation schedules.

**22.** All such valuations shall be entered by the assessors upon schedule forms supplied by the council, and a copy of the valuations of the property so entered shall be left with each person entitled to be insured under this Act. 35

Return of valuations, how and when made. Provision for triennial valuations.

**23.** A return of all the valuations so entered shall be made by the assessors to the clerk of the municipality on or before the time limited for the return of the assessment rolls of the municipality under *The Municipal Act*, and at the end of every period of three years thereafter, a revaluation shall be made by the assessors of all property insured under this Act. 40

Additional insurance during triennial period, how effected.

**24.** In the case of additional insurance being required during the said period of three years, the applicant therefor shall notify the assessors in writing of the same, and the assessors shall, on payment to them by the applicant of a fee of fifty cents, take and enter the valuation of the applicant's property to be 45



so insured, and shall leave one copy of the valuation with the assured and another copy with the clerk of the municipality: provided, however, that no such fee shall be payable in the case of additional insurance required while the assessors are discharging their ordinary duties as valuator<sup>s</sup>. Proviso as to assessor's fee therefor.

**25.**—(1) Any person dissatisfied with the valuation of his property may appeal to the council against such valuation, and for a revaluation of the same. Appeals against valuations.

(2) Such appeal may be made not later than thirty days after the time of the return by the assessors of the valuations aforesaid in the case of any valuation required to be returned by the assessor to the clerk on or before that date, and not later than thirty days after the receipt by the assured of the valuation schedule in the case of any valuation for additional insurance made during the said period of three years. Time for making such appeals.

(3) Any such appeal may be made in the same manner, as nearly as may be, as an appeal to the Court of Revision, in the case of an ordinary assessment, and the provisions of *The Assessment Act* regulating appeals to the Court of Revision and the proceedings thereon, shall apply, as nearly as may be, to all appeals to the council as aforesaid under this Act. How such appeals may be made.

**26.**—(1) The clerk of the municipality shall keep an insurance book, in which shall be entered the names, occupations and post office addresses, of all persons within the municipality insured under this Act, together with the description and valuation of the property insured as returned to him, from time to time, by the assessors in their valuation schedules. The clerk's insurance book.

(2) The names of all such persons shall be entered in alphabetical order, and the property of each classified in separate parcels according to its description, and each parcel numbered. Names of assured and their property, how entered.

**27.** The treasurer of the municipality shall keep an insurance book, in which shall be entered a full and particular account of all moneys received and expended by the municipality for or on account of municipal fire insurance under this Act, and such moneys shall, as long as this Act is in force in the municipality, be appropriated to no other object or purpose whatever. The Treasurer's insurance book. Insurance moneys, how applied.

**28.** The treasurer shall find security to the satisfaction of the council in a sum of not less than \$            for the faithful discharge of his duties. Treasurer to give security.

#### TRANSFERS OF INSURANCE.

**29.**—(1) The insurance interest of the assured in any property may be transferred by him to any person, to whom such transfer may be legally made, by giving written notice thereof to the clerk of the municipality according to Form A of this Act. Insurance interest in property, how transferred.

(2) Immediately upon receiving said notice, the clerk shall give a written certificate of said transfer to the transferee, according to Form B of this Act, and shall at the same time enter the particulars of such transfer in the transfer column of the insurance book of the municipality. Duty of clerk in such cases.

Policy holders in fire insurance companies may transfer their interest in policies to the municipality.

**30.** Any person resident within the municipality, who may be a policy holder in any fire insurance company doing business in such municipality, may within thirty days after the municipality has assumed the risk on such person's property, transfer his interest in the policy on the property insured in any such company to the municipality to any amount not exceeding the maximum amount of risk under this Act, and the municipality shall refund to the person who has so transferred his interest in such policy the proper proportion of the premium paid by him thereon to the time of the transfer of his interest therein to the municipality. 5 10

Council may arrange to cancel policies in which municipality interested.

**31.** The council of the municipality may arrange with any fire insurance company to have any such policy, in which the interest has been so transferred, cancelled by the company upon the company paying over to the municipality the proper premium, or proper proportion thereof, paid by the policy holder to the company for the unexpired term of said policy. 15

Municipality may carry such policies, and become entitled to benefits of same.

**32.** In case such an arrangement cannot be made by the council of the municipality with the company, the municipality may carry till its expiration any such policy in which the interest of the policy holder has been so transferred, may pay assessments thereon, if any, as they become due, and shall be entitled to be paid all losses occurring thereunder in the same manner and to the same extent as if the municipality had been the original party insured therein. 20 25

Powers of council when assessments on such policies, payable at end of year.

**33.** In the case of any such policy in which the assessments thereon are payable to the company at the end of the year, the council shall have power to add the proper proportion of such assessments owing by the policy holder to the company at the time of the transfer of his policy, or of his interest therein, to the council, to the next year's municipal insurance taxes of said policy holder. 30

Local inspectors and their duties.

**34.** The council of every municipality adopting this Act shall, at its first meeting after the adoption thereof, appoint one or more competent persons, not members of the council, whose duties shall be to inspect all losses and damage insured against by the municipality, and report the same to the council as soon as possible thereafter. 35

Duties of Provincial inspector of insurance.

**35.** The Provincial Inspector of Insurance shall draft and approve of all forms, schedule and otherwise, classify all risks, and fix the minimum rates and proportionate rating of insurance on all property insurable under this Act, subject to the approval of the Lieutenant-Governor in Council. 40

#### STANDING CONDITIONS OF INSURANCE.

Standing conditions of all insurance under the Act.

**36.** The conditions set forth in this section shall, as against the insured, be deemed to be part of all fire insurance by the municipality under this Act. 45

Misrepresentation or omission to give material information.

1. If any person or persons insured under the Act causes his or their buildings or goods to be described otherwise than as they really are, to the prejudice of the municipality, or misrepresents, or omits to communicate, any circumstance which is material to be made known to the council of the municipi- 50

pality, in order to enable it to judge of the risk undertaken by the municipality, such insurance shall be of no force in respect to the property in regard to which the misrepresentation or omission is made.

5 2. Where property insured is only partially damaged, no abandonment of the same will be allowed unless by the consent of the council; and, in case of the removal of property to escape conflagration, the municipality will contribute to the loss and expenses attending such act of salvage proportionately to the  
10 respective interests of the municipality and the assured.

Partial damage. Contribution to salvage by those interested.

3. Money, books of account, securities for money, and evidences of debt or title, are not insured.

Money, securities, etc.

4. Plate, plate glass, plated ware, jewelry, medals, paintings, sculptures, curiosities, scientific and musical instruments, bullion, works of art, articles of vertu, frescoes, clocks, watches, trinkets and mirrors, are not insured unless specially mentioned in the valuation schedule.

Plate, paintings, works of art, etc.

5. The municipality is not liable for the losses following, that is to say:

Non-liability of municipality for certain losses.

20 (a) For loss of property owned by any other party than the assured, unless the interest of the assured is stated in the valuation schedule;

Non-ownership of property.

(b) For loss caused by invasion, insurrection, riot, civil commotion, military or usurped power;

Riot, invasion, etc.

25 (c) Where the insurance is upon buildings or their contents—for loss caused by the want of good and substantial brick or stone chimneys; or by ashes or embers being deposited, with the knowledge and consent of the assured, in wooden vessels; or by  
30 stoves or stovepipes being, to the knowledge of the assured, in an unsafe condition or improperly secured;

Chimneys, ashes, stoves, etc.

(d) For loss or damage to goods destroyed or damaged while undergoing any process in or by which the application of fire heat is necessary;

Goods to which fire heat applied.

(e) For loss or damage occurring to buildings or their contents, while the buildings are being repaired by carpenters, joiners, plasterers or other workmen, and in consequence thereof, unless the permission of the council to execute such repairs has been previously granted in writing, signed by the clerk of the municipality. But in dwelling houses fifteen days are allowed in each year for incidental repairs without such permission;

Repairs by carpenters, etc

45 (f) For loss or damage occurring while petroleum, rock, earth, or coal oil, camphene, gasoline, burning fluid, benzine, naphtha, or any liquid products thereof, or any of their constituent parts, (refined coal oil for lighting purposes only, not exceeding five gallons in quantity, or lubricating oil, not being crude  
50 petroleum, nor oil of less specific gravity than required by law for illuminating purposes, not exceeding five gallons in quantity, excepted), or

Gunpowder, coal oil, etc.

more than twenty-five pounds weight of gunpowder is or are stored or kept in the building insured, or containing the property insured, unless permission is given in writing by the council as hereinbefore provided. 5

Explosion, or lightning.

6. The municipality will make good loss caused by the explosion of coal gas, in a building not forming part of gas works, and loss by fire caused by any other explosion, or by lightning.

Proof of loss payable to third party.

7. Proof of loss must be made by the assured, although the loss be payable to a third party. 10

Directions for making claim

8. Any person entitled to make a claim under this Act is to observe the following directions:—

(a) He is forthwith, after loss, to give notice in writing, to the clerk of the municipality; 15

(b) He is to deliver, as soon afterwards as practicable, as particular an account of the loss as the nature of the case permits;

(c) He is also to furnish therewith a statutory declaration, declaring:— 20

1st. That the said account is just and true;

2nd. When and how the fire originated, so far as the declarant knows or believes;

3rd. That the fire was not caused through his wilful act or neglect, procurement, means, or contrivance; 25

4th. All liens, and incumbrances on the subject of insurance;

5th. The place where the property insured, if moveable, was deposited at the time of the fire.

(d) He is, in support of his claim if required and if practicable, to produce books of account, warehouse receipts, and stock lists, and furnish invoices and other vouchers; to furnish copies of the valuation schedules; to separate, as far as reasonably may be, the damaged from the undamaged goods, and to exhibit for examination all that remains of the property which was covered by insurance. 30 35

(e) He is to produce, if required, a certificate under the hand of a magistrate, notary public, or commissioner for taking affidavits, residing in the vicinity in which the fire happened, and not concerned in the loss, or related to the assured or sufferers, stating that he has examined the circumstances attending the fire, loss, or damage alleged, that he is acquainted with the character and circumstances of the assured or claimant, and that he verily believes that the assured has, by misfortune and without fraud or evil practice, sustained loss and damage on the subject assured to the amount certified. 40 45

Proof of loss may be made by agent.

9. The above proofs of loss may be made by the agent of the assured, in case of the absence or inability of the assured himself to make the same, such absence or inability being satisfactorily accounted for. 50

10. Any fraud or false statement in any declaration, in relation to any of the above particulars, shall vitiate the claim. Fraud or false statement vitiates claim.

11. If any difference arises as to the value of the property insured, of the property saved, or amount of the loss, such value and amount and the proportion thereof (if any) to be paid by the municipality, shall, whether the right to recover on the policy is disputed or not, and independently of all other questions, be submitted to the arbitration of some person to be chosen by both parties, or if they cannot agree on one person, then to two persons, one to be chosen by the party assured, and the other by the council of the municipality, and a third to be appointed by the persons so chosen, or, on their failing to agree, then by the county judge of the county wherein the loss has happened and such reference shall be subject to the provisions of the laws applicable to references in actions; and the award shall, if the municipality is in other respects liable, be conclusive as to the amount of the loss and proportion to be paid by the municipality; where the full amount of the claim is awarded the costs shall follow the event; and, in other cases, all questions of costs shall be in the discretion of the arbitrators. Arbitration in case of differences.

12. The loss shall not be payable until completion of the proofs of loss. days after Loss when payable.

13. In any case of cancellation of risk the insurance may be terminated by the municipality, by the council giving notice to that effect, and, whenever necessary, by tendering therewith a ratable proportion of the insurance rates for the unexpired term, calculated from the termination of the notice. In the case of personal service of the notice, five days' notice, excluding Sunday, shall be given. Notice may be given by the council by registered letter, addressed to the assured at his last post office address, notified to the council, and when no address is notified, then to the post office nearest to the assured, and when such notice is by letter, then seven days from the arrival at any such post office shall be deemed good notice. The insurance shall cease after such tender and notice aforesaid, and the expiration of the five or seven days, as the case may be. Provision for notice in case of cancellation of risk.

14. Every action or proceeding against the municipality for the recovery of any claim, under or by virtue of this Act, shall be absolutely barred, unless commenced within the term of one year next after the loss or damage occurs. When actions on claims to be brought.

15. Any written notice to a municipality for any purpose of the standing conditions, when the mode thereof is not expressly provided, may be by letter delivered, or by registered post letter addressed, to the clerk of the municipality, or by such written notice given in any other manner to the said clerk. What constitutes written notice.

#### PROOFS OF LOSS IN CERTAIN CASES.—PUBLIC ENQUIRIES AS TO LOSSES.

37. When by reason of necessity, accident or mistake, the standing conditions of insurance under this Act, as to the proof to be given to the municipality after the occurrence of a fire have not been strictly complied with, or when after a statement or proof of loss has been given in good faith by or If due proof of loss not given through accident, etc., or objection not made thereto, or made on other

grounds than non-compliance with conditions; or if full compliance adjudged inequitable; 5

Liability of municipality in such cases not discharged 10

on behalf of the insured in pursuance of any standing condition, the council of the municipality objects to the loss upon other grounds than for imperfect compliance with such conditions, or does not, within a reasonable time after receiving such statement or proof, notify the assured in writing that such statement or proof is objected to, and what are the particulars in which the same is alleged to be defective, and so from time to time; or where, for any other reason, the court or judge before whom a question relating to such insurance is tried or inquired into, considers it inequitable that the insurance should be deemed void or forfeited by reason of imperfect compliance with such conditions--no objection to the sufficiency of such statement or proof, or amended or supplemental statement or proof, as the case may be, shall, in any such cases, be allowed as a discharge of the liability of the municipality on the claim for insurance. 15

Appeal from court or judge. 38. A decision of a court or judge under this Act shall be subject to review or appeal to the same extent as a decision by said court or judge in other cases. 20

Justices of the peace etc. may swear and examine persons regarding losses. 39.—(1) Any justice of the peace, or any one having lawful authority to administer an oath or affirmation in any legal proceeding, may examine on oath or solemn affirmation any party or person who comes before him to give evidence touching any loss by fire in which the municipality is interested, and may administer any oath or affirmation required under this Act. 25

Justices of the peace may hold special investigation on request. (2) On receiving a written request from the head of the council of the municipality with security for the expenses of an investigation, any justice of the peace may at once proceed to hold an investigation as to the origin or cause of any fire that has happened within the municipality, and as to the persons, if any, profiting thereby. 30

Powers of justices to the peace in investigations. (3) The justice of the peace shall have power to send for persons and papers, and to examine all persons that appear before him on oath or solemn affirmation; and he shall keep a record of all such proceedings and of the evidence given before him. 35

#### ANNUAL STATEMENTS TO PROVINCIAL TREASURER. 40

Annual statement to Provincial Treasurer, what it must show, and how verified. 40.—(1) It shall be the duty of the clerk and treasurer of the municipality to prepare annually, under their oath, on the first day of January, or within one month thereafter, a statement of the condition of the insurance business and affairs of the municipality, on the thirty-first day of December then next preceding, exhibiting assets, liabilities, receipts and expenditure, in such form and with such items and detail as shall be required by the Provincial Treasurer, and to cause such statement to be deposited in the office of the Provincial Inspector of Insurance, such statement to be accompanied by a declaration to the effect shown in the form to this section annexed, sworn to before some person duly authorized to administer oaths in any legal proceeding, and every such person is hereby authorized to administer any oath required under this Act. 55

FORM OF DECLARATION TO ACCOMPANY THE STATEMENT.

Province of Ontario, } We  
 County of } of the in the county Form of  
 of , clerk, and of the in the annual decla-  
 5 county of treasurer, of the township of tion by clerk  
 in the said county, severally make oath and say, and each for and treasurer.  
 himself says, that we are the above described officers of the  
 said municipality, and that we have each of us individually  
 the means of verifying the correctness of the statement hereto  
 10 annexed of the insurance business and affairs of the said  
 municipality, and that on the day of  
 last past, all the assets described in said statement were the  
 absolute property of the said municipality, free and clear from  
 any liens or claims thereon, except as therein stated, and that  
 15 the said statement, with the schedules and explanations  
 annexed and by us subscribed, is a full and correct exhibit  
 of all the liabilities, and of the income and expenditure, and  
 of the general condition of the insurance business and affairs  
 of the said municipality on the said day of  
 20 last past, and for the year ending on that day.  
 Sworn before me, at the  
 of in the }  
 county of this } Signatures.  
 day of 18 . }

25 (2) The Provincial Treasurer may, from time to time, make such changes in the form of the statements as seem to him best adapted to elicit from the municipalities a true exhibit of the condition of their insurance business and affairs in respect to the several points hereinbefore enumerated. Form of state-  
ment may be  
changed by  
Provincial  
Treasurer.

30 (3) The council of any municipality shall further, when required, make prompt and explicit answer in reply to any enquiries in relation to its insurance transactions which may be required by the Lieutenant-Governor in Council. Councils to  
reply to  
enquiries of  
Lieutenant-  
Governor in  
Council.

35 41. Any violation of the next preceding section shall subject the officers of the municipality violating the same to a penalty of \$200 for every such violation, and of the additional sum of \$100 for every month during which the said officers neglect to file such statements and affidavits as are therein  
 40 required. Such penalties may be recovered by any person suing for the same in any court of competent jurisdiction. Penalty for  
violation of  
preceding  
section.

42. The Provincial Treasurer, from the yearly statements so required to be made, shall prepare annually an abstract report showing the results of every municipality's insurance  
 45 business, and the Treasurer shall publish the said abstract report forthwith for general information. Report of  
Provincial  
Treasurer to  
be laid before  
the Legisla-  
ture.

PROVISIONS FOR REPEAL OF ACT IN THE MUNICIPALITY.

43.—(1) The council of any municipality in which this Act has been brought into force, may repeal it by by-law at the expiration of the term of five years after it has been in force in the municipality, provided one hundred or more persons, owners of property of the assessed value of \$  
 50 or upwards, on the last revised assessment roll of the munici-  
 55 pality, and insured under this Act, petition the council for such How Act in  
force in any  
municipality  
may be re-  
pealed.

repeal at least one year before the expiration of said term, and the council is satisfied that the signatures to such petition, to the number of not less than one hundred, are genuine, and were not obtained upon incorrect statements, and represent the assessed value of property necessary to give effect to said petition. 5

By-law for repeal, when to be passed. (2) The said by-law shall be passed by the council six months before the expiration of the said term of five years during which this Act is in operation in the municipality.

Application to quash by-law, when to be made. (3) No application to quash any such by-law, in whole or in part, shall be entertained by any court unless such application is made to such court within three months after the passing of said by-law. 10

Effect of repeal of Act in any municipality. 44. Upon the repeal of this Act as aforesaid all liabilities of the municipality for insurance under this Act shall cease and be determined, and all municipal insurance moneys to the credit of the municipality in the treasurer's books, or in the books of any chartered bank, or outstanding and secured, as provided by this Act, shall form part of the general funds of the municipality, and shall, whenever necessary, be recoverable by and for the public uses of the municipality, by process of law in any court of competent jurisdiction. 15 20

FORM A.

(See section 29, sub-section 1).

MUNICIPAL FIRE INSURANCE ACT, 1888.

To the clerk of the township of \_\_\_\_\_ in the county of \_\_\_\_\_  
 Please transfer \$ \_\_\_\_\_, my insurance interest in number \_\_\_\_\_ under the Act, to \_\_\_\_\_ of the \_\_\_\_\_ in the county of \_\_\_\_\_ whose post-office address is \_\_\_\_\_  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_  
 Signed in presence of : } \_\_\_\_\_  
 } *Signature.*

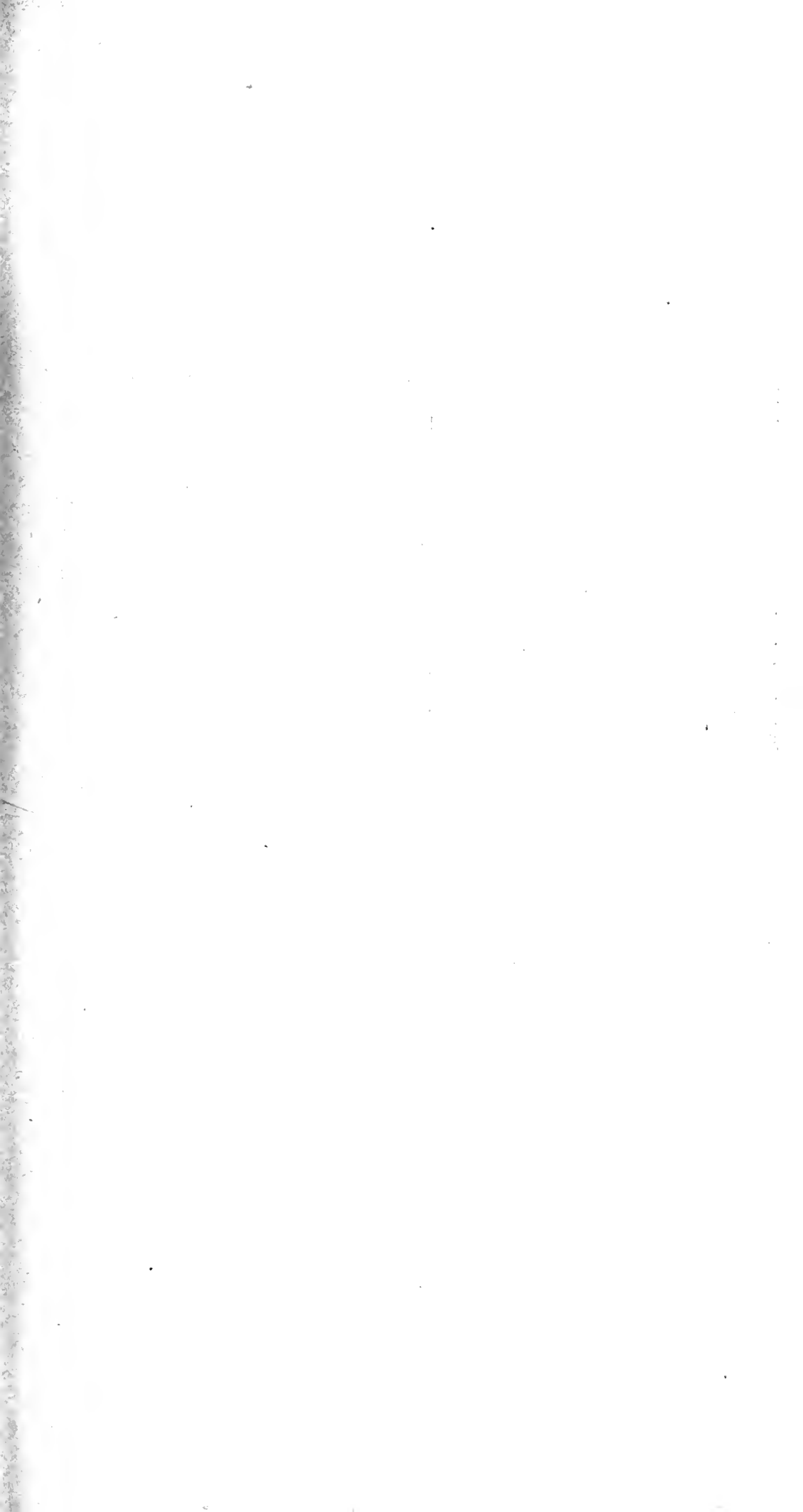
FORM B.

(See section 29, sub-section 2.)

MUNICIPAL FIRE INSURANCE ACT, 1888.

To \_\_\_\_\_ I, \_\_\_\_\_ of the township of \_\_\_\_\_ in the county of \_\_\_\_\_, clerk of the said township, hereby certify that \_\_\_\_\_ of the \_\_\_\_\_ in the county of \_\_\_\_\_ has transferred his insurance interest in number \_\_\_\_\_ under the Act to you on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_  
 \_\_\_\_\_  
*Signature.*  
 Township clerk.





No. 75.

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2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL.

An Act respecting Municipal Fire Insurance.

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First Reading, 2nd February, 1888.

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Mr. SNIDER.

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TORONTO:

PRINTED BY WARWICK & SON, 26 AND 28 FRONT ST. W.

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No. 76.]

**BILL.**

[1888.

An Act to amend the Municipal Act.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 521 of *The Municipal Act* is hereby amended by adding thereto the following sub-sections :—

Rev. Stat. c.  
184, s. 521,  
amended.

(19) For regulating the distance from any public highway within the municipality within which a portable steam-engine may be used for running a saw mill or shingle mill, and preventing the use of the same for either of such purposes within such distance.

(20) For imposing penalties on parties setting up or operating a portable steam-engine for either of such purposes within such distance.

2nd Session, 6th Legislature, 51 Vic, 1888.

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**BILL.**

An Act to amend the Municipal Act.

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First Reading, 2nd February, 1888.

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**MR. STEWART.**

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TORONTO.

PRINTED BY WARWICK & SONS, 26 & 28 FRONT ST. W

An Act respecting the Department of Agriculture  
and other Industries.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. The Commissioner of Agriculture shall hereafter be  
5 called Minister of Agriculture, and he shall, under that name,  
and subject to section 3 of *The Act respecting the*  
*Executive Council*, have the functions, duties and powers  
which by statute or otherwise belong to the Commissioner of  
Agriculture, and shall have any other functions, duties and  
10 powers which, under and subject to the provisions of the said  
Act, may be from time to time assigned or transferred to him  
by Order in Council. (R. S. O. 1887, ch. 13 [Executive  
Council]; ch. 39 [Agriculture and Arts]; and ch. 174 [Immi-  
gration Societies.]

Minister of  
Agriculture.

2. There are hereby further assigned to the Minister of  
15 Agriculture (subject as aforesaid) the functions, duties and  
powers of the Commissioner of Crown Lands under *The Act to*  
*regulate the Fisheries of this Province*, and the functions,  
duties and powers of Registrar-General under *The Act*  
20 *respecting the registration of Births, Marriages and Deaths*,  
(R. S. O. 1887, Chaps. 32 and 40.)

Duties of  
Minister of  
Agriculture

3. *The Act respecting the Executive Council* is further  
amended so far as the same restricts the Executive Council to  
six members. (R. S. O. 1887, Chap. 13, s. 1.)

Rev. Stat., c.  
13, s. 1  
amended.

BILL.

An Act respecting the Department of Agriculture and other Industries.

First Reading, 2nd February, 1888.

THE ATTORNEY GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Department of Agriculture  
and other Industries.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. The Commissioner of Agriculture shall hereafter be  
5 called Minister of Agriculture, and he shall, under that name,  
and subject to section 3 of *The Act respecting the*  
*Executive Council*, have the functions, duties and powers  
which by statute or otherwise belong to the Commissioner of  
Agriculture, and shall have any other functions, duties and  
10 powers which, under and subject to the provisions of the said  
Act, may be from time to time assigned or transferred to him  
by Order in Council. (R. S. O. 1887, ch. 13 [Executive  
Council]; ch. 39 [Agriculture and Arts]; ch. 174 [Immigra-  
tion Societies]; ~~182~~ and ch. 184, sections 248, 252 [Bureau of  
15 Industries.] ~~182~~)
2. There are hereby further assigned to the Minister of  
Agriculture (subject as aforesaid) the functions, duties and  
powers of Registrar-General under *The Act respecting the*  
*registration of Births, Marriages and Deaths*. (R. S. O. 1887,  
20 Chap. 40.) Minister of  
Agriculture.  
to act as  
Registrar-  
General  
under Rev.  
Stat. c. 40.
3. *The Act respecting the Executive Council* is further  
amended so far as the same restricts the Executive Council to  
six members. (R. S. O. 1887, Chap. 13, s. 1.) Rev. Stat. c.  
13, s. 1  
amended.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act respecting the Department of Agriculture and other Industries.

*Reprinted as amended by Committee of  
Whole House.*

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First Reading,	2nd February,	1888.
Second "	23rd "	1888.

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THE ATTORNEY GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



An Act respecting arbitration with the Province  
of Quebec.

**W**HEREAS questions have arisen between the Govern- Preamble.  
ments of Ontario and Quebec upon the construc-  
tion and effect of the award made on the 3rd of Septem-  
ber, 1870, in pursuance of section 142 of *The British*  
5 *North America Act, 1867*, relating to the claim of Ontario on  
behalf of the municipalities to the Upper Canada Improvement  
Fund, in respect of collections from sales of crown lands before  
Confederation; and also, to the period or periods from which  
Ontario, under section 9 of the award, is liable to account for  
10 moneys received from school lands since the 30th of June, 1867;  
And whereas, the two Provincial Governments have agreed  
to settle these matters and any others by arbitration;  
Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
20 as follows:—

1. For the final and conclusive determination of the questions  
above set forth, and all or any other questions between the  
Provinces of Ontario and Quebec, the Lieutenant-Governor in  
Council may unite with the Government of Quebec in the  
25 appointment of three arbitrators, to whom the said matters  
shall stand referred, and the order of the proceedings and all  
questions, including the final award, shall be decided by a  
majority of the arbitrators. Reference of  
matters in dis-  
pute.
2. The arbitrators shall have all the powers which, by the  
30 law of each or either of the said Provinces, arbitrators possess  
in the case of references by private persons. Powers of  
arbitrators.
3. The appointment by Order-in-Council, and the award in  
writing made in pursuance thereof, shall bind this Province  
and the municipalities thereof. Award to be  
binding.
- 35 4. The award in writing shall be made within three  
months after the said appointment. Time for mak-  
ing award  
limited.
5. In case of the death, absence or incapacity of any arbi-  
trator, or in the event of any arbitrator omitting, or declining  
or ceasing to act, the Lieutenant-Governor-in-Council may  
40 unite with the Government of Quebec in filling any vacancy  
for any of the causes aforesaid; and the period of making the  
award in case of such substitution shall be calculated from the  
date of the appointment of the arbitrator to fill the vacancy. Case of death,  
etc., of arbi-  
trator provid-  
ed for.

BILL.

An Act respecting arbitration with the  
Province of Quebec.

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First Reading, 2nd February, 1888.

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The ATTORNEY-GENERAL.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to amend the Division Courts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 100 of *The Division Courts Act* is hereby  
5 amended by inserting after the words "or has absconded," in  
the sixth line thereof the words "either before or after the  
issue of the summons." Rev. Stat. c.  
51, s. 100  
amended.

2. Section 240 of the said Act is hereby amended as follows:— Rev. Stat. c.  
51, s. 240  
amended.

(1) By striking out of sub-section 4 thereof the following:—  
10 "(b) Wilfully contracted the debt or liability without having  
had at the time a reasonable expectation of being able to pay  
or discharge the same; or"

(2) By striking out the word "or" at the end of the said  
sub-section 4, and the following words of sub-section 5:—

15 "5. If it appears to the satisfaction of the judge, that the  
party had, when summoned, or since the judgment was obtained  
against him, has had sufficient means and ability to pay the  
debt or damages, or costs recovered against him, either alto-  
gether, or by the instalments which the court in which the  
20 judgment was obtained has ordered, and if he has refused or  
neglected to pay the same at the time ordered whether before  
or after the return of the summons."

No. 179.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Division Courts Act.

First Reading, 3rd February, 1888.

MR. GIBSON.  
(*Hamilton.*)

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

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No. 80.]

**BILL.**

[1888.

An Act to amend the Municipal Act.

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario  
enacts as follows:—

1. Sub-section 10 of section 479 of *The Municipal Act*, is  
5 hereby repealed. Rev. Stat. c.  
184. s. 479 (10  
repealed.

BILL.

An Act to amend the Municipal Act.

First Reading, 3rd February, 1888.

Mr. BALFOUR.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST., W

## An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 263 of *The Municipal Act* is amended by adding  
5 the following sub-sections thereto :

Rev. Stat. c.  
184, s. 263  
amended.

(3) The council of every town, township and incorporated  
village shall hold a meeting on the fifteenth day of December  
in each year or if such day happen to be a Sunday then  
on the Saturday previous, and shall immediately thereafter  
10 publish a detailed statement of receipts and expenditure for  
the portion of the year ending on the day of such meeting,  
together with a statement of assets and liabilities and uncol-  
lected taxes. The said statement shall be signed by the mayor  
or reeve and by the treasurer, and shall be published forth-  
15 with in one or more newspapers of the municipality (if any),  
and in such other newspapers circulated in the municipality,  
as the council may direct.

Publication  
of statement  
of assets and  
liabilities.

(a) Instead of publishing the said statement, the  
council may cause the same to be posted up,  
20 not later than the twentieth day of December, in  
the offices of the clerk and of the treasurer as well  
as at all the post offices in the municipality, and  
at not less than twelve other conspicuous places  
therein.

(4) The clerk shall procure not less than one hundred copies  
of the said statement and shall deliver or transmit by post to  
the electors who first request him to do so, one of such copies  
not later than the twentieth day of December in each year,  
and shall also see that copies of the said statement are pro-  
30 duced at the nomination.

2. The provisions of this Act shall not apply to the muni-  
cipalities situated in the electoral districts of East Algoma,  
West Algoma, West Victoria, East Victoria, East Peterboro',  
North Hastings, North Renfrew, Muskoka, and Parry Sound.

Electoral  
districts  
exempt.

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2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL.

An Act to amend the Municipal Act.

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First Reading, 6th February, 1888.

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Mr. WOOD,  
(*Brant.*)

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



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No. 82]

**BILL.**

[1888.

An Act to amend the Municipal Act.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 73 of *The Municipal Act* is amended by striking  
5 out all that part of the said section after the words “disquali-  
fied under this Act” in the sixth line thereof. Rev. Stat. c.  
184, s. 73  
amended.
2. Sections 74 and 75 of the said Act are hereby repealed. Rev. Stat. c.  
184, ss. 74 and  
75 repealed.
3. Section 366 of the said Act is amended by striking out  
the words “any manufacturing establishment or” where they  
10 occur in the said section. Rev. Stat. c.  
184, s. 366,  
amended.

No. 82.

2nd Session, 6th Legislature, 51 Vic. 1888.

BILL.

An Act to amend the Municipal Act.

First Reading, 6th February, 1888.

Mr. GARSON.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act respecting Police Magistrates.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 8 of *The Act respecting Police Magistrates*, is hereby amended by adding the following sub-section thereto: Rev. Stat. c. 72, s. 8, amended.

(3) Provided, however, that the salaries of the police magistrates in counties wherein *The Canada Temperance Act* is in force, shall not be less than on the following scale:— Salaries of police magistrates in counties in which the C. T. Act is in force.

10 (a) In counties where the population is not more than sixty thousand, and not less than forty thousand, \$700 per annum.

(b) In counties where the population is more than sixty thousand, \$800 per annum.

15 And the salaries shall be paid half-yearly by the county council of such counties.

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2nd Session 6th Legislature, 51 Vic., 1888.

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BILL.

An Act to amend the Act respecting Police  
Magistrates.

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First Reading, 7th February, 1888.

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MR. PHELPS.

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TORONTO:

PRINTED BY WARWICK & SON, 26 AND 28 FRONT ST. W.

**BILL.**

**An Act to amend the Municipal Act.**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 619 of *The Municipal Act* is amended by adding 5 thereto the following sub-section:

Rev. Stat. c. 184, s. 619, amended.

(2) In the case of a township, the cost of the works therein specified may be assessed and levied by an acreage rate of the lands benefited thereby, in lieu of a frontage rate, as herein provided; and where the owners of real property have constructed their own works and property which might have been constructed by the municipality as local improvements, the council may agree to acquire the same, and the purchase money therefor may be raised, assessed and levied as for local improvements upon the real property benefited thereby, as above provided. This sub-section may, if the council by resolution so provide, apply to any local improvements now in progress.

Assessment for local improvements in townships.

BILL.

An Act to amend the Municipal Act.

First Reading, 7th February, 1888.

MR. SMITH.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 415 of *The Municipal Act* is hereby repealed, and the following substituted therefor:—

Rev. stat. c.  
184, s. 415  
repealed.

415. The head of every council and the reeve, and deputy reeve or deputy reeves, of every town, township and incorporated village, shall *ex officio* be Justices of the Peace for the whole county or union of counties, in which their respective municipalities lie, and aldermen in cities shall be justices of the peace for such cities.

Certain persons to be *ex officio* justices of the peace.

2. Section 417 of the said Act is hereby repealed, and the following substituted therefor:—

Rev. stat., c.  
184, s. 417  
repealed.

417. No warden, mayor, reeve, deputy reeve or alderman, after taking the oaths, or making the declarations as such, shall be required to have any property qualification, or to take any further oath to enable him to act as a justice of the peace.

Qualification of *ex officio* justices.

BILL.

An Act to amend the Municipal Act.

First Reading, 7th February, 1888.

Mr. CLARKE,  
(*Wellington.*)

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



An Act to amend the Act respecting Short Forms  
of Mortgages.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Whenever any mortgage executed prior to the passing of  
5 this Act, or subsequent thereto, and purporting to be made in  
pursuance of *The Act respecting Short Forms of Mortgages*,  
contains the following words: "provided that the mortgagee,  
(the company or individual, as the case may be), on default  
of payment for two months (or any other definite period) may  
10 without any notice enter upon and lease or sell said lands for  
cash or credit," or words to the like effect, or without the  
last four of the said words, such mortgage shall be taken to  
have the same effect and be construed as if it contained the form  
of words in column two number fourteen of Schedule B of  
15 the said *Act respecting Short Forms of Mortgages*, saving and  
excepting so much of such form of words as immediately  
follows the word "assigns" in the sixteenth line thereof down  
to and inclusive of the word "assigns" in the twenty-third  
line thereof.

Notice of sale  
under mort-  
gages.

20 2. This Act shall not affect any actions now pending.

Application  
of Act.

2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL.

An Act to amend the Act respecting Short  
Forms of Mortgages.

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First Reading, 7th February, 1888.

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MR. GIBSON.  
(*Hamilton.*)

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TORONTO:

PRINTED BY WARWICK & SON, 26 AND 28 FRONT ST. W.

## An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 5 . 1. Sub-section 16 of section 479 of *The Municipal Act* is hereby repealed, and the following substituted in lieu thereof: Rev. Stat. c. 184, s. 479 (16) repealed.
- 10 (16) For regulating the size and number of doors in churches, theatres, halls or other buildings used for places of worship, public meetings or places of amusement and the street gates lead- Doors, etc., of public build- ings.
- 15 ing thereto; and also the size and number of doors, halls, stairs and other means of egress from all hospitals, schools, colleges and other buildings of a like nature, and also the structure of stairs and stair railings in all such buildings, and the size and strength of walls, beams, joists, rafters, roofs and the supports of all buildings to be erected or repaired within the municipality, and for compelling the production of the plans of all such buildings for inspection and for enforcing observance of such regulations.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.  
An Act to amend the Municipal Act.

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First Reading, 8th February, 1888.

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Mr. BRONSON.

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TORONTO:  
PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

**BILL.**

An Act to amend the Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

1. Section 109 of *The Municipal Act* is hereby amended  
5 by adding thereto the following sub-section:— Rev. Stat,  
c. 184, s. 109  
amended.

(2) The council of any incorporated town, divided into wards, may, by resolution, of which due notice shall be given, on or before the first day of November, in any year, require the nomination for councillors for the several wards, to be held  
10 in the town hall, or place at which the nominations for mayor, reeve, or deputy-reeve are held, at the same hour as is required by the preceding sub-section, and the clerk of the municipality shall act as returning officer for receiving such nominations. Nominations,  
in towns, for  
councillors  
may be held  
at same place  
as for mayor  
and reeve.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to amend the Municipal Act.

First Reading, 8th February, 1888.

MR. DACK.

TORONTO:  
PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

**An Act to amend the Ditches and Watercourses Act.**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 8 of *The Ditches and Watercourses Act* is hereby  
5 amended, by adding thereto the following sub-section :—

Rev. Stat. c.  
220, s. 8,  
amended.

(3) The engineer, on the application of any person through whose lands any portion of the ditch or drain runs, may consent to so much of such ditch or drain, as runs through the lands of such person, being constructed as a covered drain, and  
10 shall determine the size and capacity of the proposed covered portion, and the nature and quality of the material to be used therein, but no such consent shall be given by the engineer, if the covering of such portion of the ditch or drain would impede or delay the free flow of the water which the ditch or  
15 drain is intended to carry off.

**BILL.**

An Act to amend the Ditches and Water-  
courses Act.

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First Reading, 8th February, 1888.

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**MR. NAIRN.**

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TORONTO :  
PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



## An Act to amend the Ditches and Watercourses Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 8 of *The Ditches and Watercourses Act* is hereby amended, by adding thereto the following sub-section:—

(3) The engineer, on the application of any person through whose lands any portion of the ditch or drain runs, may consent to so much of such ditch or drain, as runs through the lands of such person, being constructed as a covered drain, and shall determine the size and capacity of the proposed covered portion, and the nature and quality of the material to be used therein, but no such consent shall be given by the engineer, if the covering of such portion of the ditch or drain would impede or delay the free flow of the water which the ditch or drain is intended to carry off.

2. Sub-section 3 (a) of section 11 of the said Act is hereby repealed, and the following substituted in lieu thereof:—

(a) The place for hearing such appeals shall be in the division of the Division Court in which the lands, in respect to which the original proceedings are initiated, are situated. This provision shall apply to appeals now pending, as well as to those that may be entered hereafter, and in case of pending appeals they shall be transferred to the proper Division Court, and shall not lapse or be otherwise affected by the repeal of said sub-section (a).

Rev. Stat.  
c. 220, s. 8,  
amended.

Rev. Stat.  
c. 220, s. 11,  
sub-s. 3 (a)  
repealed.

Place for hear-  
ing appeals.

BILL.

An Act to amend the Ditches and Water-courses Act.

(Reprinted as amended by Select Committee.)

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First Reading,	8th February, 1888.
Second " "	17th " 1888.

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Mr. NAIRN.

## An Act respecting Hire-receipts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. "Purchaser" in this Act shall include a mortgagee<sup>Interpretation</sup> or person entitled to a charge created by instrument in writing; "Vendor" shall include a mortgagor or person creating such a charge as is above mentioned; "Mortgage" shall include such a charge; "Mortgagee" the person entitled to such a charge, and the assignee of a mortgage or charge.
2. Any purchaser of land upon which are chattels which, as between himself and his vendor, would pass to the purchaser as fixtures, actual or constructive, but for the operation of a hire-receipt or other contract whereby the property or title in such chattels, or any interest therein is retained or reserved in some person other than the vendor of said land, shall take such chattels free from any claim under such hire-receipt or contract unless the purchaser shall have had notice of such claim.<sup>Purchaser without notice protected.</sup>
3. Registration of the hire-receipt or contract as aforesaid in the registry office of the registry division wherein the land is situated shall be deemed sufficient notice.<sup>Registration to be notice.</sup>
4. For the purposes of registration the hire-receipt, or contract shall mention the land on which the chattels are, or are to be placed, and shall be registered in the same manner and on the same evidence as a deed, and the registrar shall be entitled to make the same charge as for a deed.<sup>Mode of registration.</sup>
5. When land on which chattels are placed under such a hire-receipt or contract, as is hereinbefore mentioned, is at the time the chattels are so placed subject to a mortgage, the claim of the person entitled under such hire-receipt or contract shall not, as to such chattels as would between the owner of the land and the mortgagee, but for the operation of the hire-receipt or contract, be considered as fixtures, be of any effect as against the mortgagee, but such last mentioned chattels shall be subject to the mortgage unless the said chattels have been placed on the land with the consent of the mortgagee first had and obtained.<sup>Hire-receipt not to prevail against a mortgage.</sup>

BILL.

An Act respecting Hire-receipts.

First Reading, 9th February, 1888.

MR. LEYS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act for the better protection of Insectivorous and other Birds, Squirrels and Toads.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. It shall not be lawful for any person to catch, net, snare, shoot, poison, drug, or otherwise kill or injure any wild native bird, other than birds belonging to the following classes, namely, English sparrows, the family *Anatidae*, including swans, geese, brant, river and sea duck; the family *Rallidae*, including rails, coots, mud hens, and gallinules; the order *Limicolæ*, including plover, snipe, woodcock, sand pipers, tattlers and curlews; the order *Gallinæ* including wild turkeys, grouse, prairie chickens, pheasants, partridges, and quails; or to have in possession, purchase, offer, or expose for sale, or exchange, any bird other than those belonging to the classes hereinbefore specified, living or dead; or the skin or any other part of such bird within the Province of Ontario. Killing or snaring of native wild birds prohibited.
2. It shall not be lawful to shoot, trap, or otherwise destroy any grey squirrel (*sciurus niger*); black squirrel (*sciurus carolinensis*); red squirrel (*sciurus Hudsonius*); or chipmunk (*tamias striatus*). Killing or trapping of squirrels prohibited.
3. It shall not be lawful to destroy in any way any native toad (*bufo lentiginosus*), or to wantonly or unnecessarily injure or destroy the spawn or larvæ thereof in streams or ponds of water. Killing of native toads or destruction of larvæ prohibited.
4. It shall not be lawful to destroy, or to have in possession or to purchase, or expose for sale, or exchange the nest or eggs of any native wild bird, other than those named in section 1 of this Act. Destruction of bird's nests or eggs prohibited.
5. Any person guilty of a violation of any of the preceding provisions of this Act shall, on conviction thereof, before a justice of the peace, be liable to a fine of not less than \$1, and not more than \$10 and costs, or imprisonment for a period not exceeding ten days, or both fine and imprisonment in the discretion of the convicting justice. Penalties.
6. The Deputy Minister of Agriculture may, on receiving from any ornithologist, or student of ornithology, or biologist, or student of biology, an application, recommendation, and bond, in the forms set out in the schedule hereto, grant to such applicant a permit empowering the holder to collect, and to purchase, or exchange all birds, eggs, or animals otherwise Permit may be granted by Deputy Minister of Agriculture to scientists.

protected by this Act, at any time or season he may require the same for the purpose of study, without the liability to penalties imposed by this Act.

Permit in force to end of calendar year in which granted.

7. The permits granted under the last preceding section shall continue in force until the end of the calendar year in which they may be issued, and may be renewed at the option of the Deputy Minister of Agriculture. 5

Deputy Minister may require holder of permit to find sureties.

8. The Deputy Minister of Agriculture may require that one or more sureties shall join with the applicant in giving the bond prescribed by section 6 of this Act. 10

Conflicting enactments repealed.

9. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

## SCHEDULE.

(Section 6.)

### FORM OF APPLICATION.

I, \_\_\_\_\_ of \_\_\_\_\_ hereby apply for a permit granting to me the right to collect birds, their nests and eggs, squirrels, and toads, for strictly scientific purposes only, in accordance with the Act of the Legislature of Ontario, passed in the Fifty-first year of Her Majesty's Reign, chaptered \_\_\_\_\_ intitled "*An Act for the Better Protection of Insectivorous and other Birds, Squirrels, and Toads.*"

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 18

(Sgd.) A. B.

To

The Deputy Minister of Agriculture,  
Toronto.

Applicant.

### FORM OF RECOMMENDATION.

18

We, the undersigned, personally know \_\_\_\_\_ and believe him to be a person of good character, and fit to be entrusted with the privilege of collecting wild birds, and their nests and eggs in accordance with the Act, 51 Victoria c. \_\_\_\_\_, "*For the Better Protection of Insectivorous and other Birds, Squirrels, and Toads,*" which Act we have carefully examined and fully comprehended.

(Sgd.) A. B.  
(Address).

(Sgd.) C. D.  
(Address).

### FORM OF BOND.

Know all Men by these Presents that I (or we) (*name of applicant or applicant and sureties*) of \_\_\_\_\_ in the County of \_\_\_\_\_ are held and firmly bound unto the Deputy Minister of Agriculture for the Province of Ontario, in the sum of Fifty Dollars, for which payment to be well and truly made I (or we) bind myself (or ourselves), my (or our) heirs, executors, administrators, or assigns, firmly by these presents.

Sealed with my (or our) seal (or seals). Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18

The condition of the above written obligation is such that if the said  
 , being the holder of a permit, dated the  
 day of 18 , from the Deputy Minister of Agriculture  
 for Ontario, under the Act 51 Vic. c. to collect birds, their  
 nests or eggs for strictly scientific purposes only, shall abstain from any  
 infringement of said Act, then this obligation to be void, otherwise to be  
 and remain in full force and virtue.

Signed, Sealed, and Delivered  
 in presence of

{ E. F. (Seal.)  
 (Residence.)  
 G. H. (Seal.)  
 (Residence.)  
 J. L. (Seal.)  
 (Residence.)

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2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL

An Act for the better protection of Insect-ivorous and other Birds, Squirrels, and Toads.

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First Reading, February 9th 1888.

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Mr. LEYS.

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TORONTO.

PRINTED BY WARWICK & SOONS, 26 & 28 FRONT ST.



## An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 532 of *The Municipal Act* is hereby amended by inserting between the words “any” and “incorporated,” in the ninth line thereof, the words “town, township, or.” Rev. Stat. c. 184, s. 532, amended.

2. Section 534 of the said Act is amended by inserting between the words “any” and “incorporated,” in the ninth line thereof, the words “town, township, or.” Rev. Stat. c. 184, s. 534, amended.

10 3. Section 619 of the said Act is amended by striking out of the said section all the words down to and inclusive of the word “culvert” in the second line thereof and substituting therefor the following words: “If in the case of the construction, reconstruction or repair of a bridge, culvert or sewer.” Rev. Stat. c. 184, s. 619, amended.

No. 92.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to amend the Municipal Act.

First Reading, 9th February, 1888.

Mr. WATERS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

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No. 93.]

**BILL.**

[1888.

An Act to amend the Act respecting Mills and Mill  
Dams.

**H**ER MAJESTY by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Section 1 of *The Act respecting Mills and Mill Dams* Rev. Stat.  
5 is hereby amended by striking out all the words in said section c. 118, s. 1,  
down to and inclusive of the word "offence" in the fifth line amended.  
thereof, and substituting therefor the following :—

"No owner or occupier of a mill, nor any person employed  
by him, shall demand or take as toll, charge or compensation,  
10 a greater proportion of any grain brought to him to be ground  
and bolted or to be exchanged for flour, bran and shorts, in  
their respective proportions, according to the amount of grain  
brought, than one-twelfth part thereof for grinding and bolting,  
or for exchanging the same, under the penalty of \$40 for every  
15 such offence, and no smaller quantity than one bushel of wheat  
shall be taken whereby to test its exact weight."

2nd Session, 6th Legislature, 61 Vic, 1888.

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BILL.

An Act to amend the Act respecting Mills  
and Mill Dams.

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First Reading, 10th February, 1888.

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Mr. GIBSON,  
(*Huron.*)

TORONTO:  
PRINTED BY WARWICK 26 & SOBS, AND 28 FRONT ST. W.

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No. 94.]

**BILL.**

[1888.

An Act to amend the Municipal Act.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

1. Section 495 of *The Municipal Act* is amended by adding Rev. Stat. c. 184, s. 495, amended. to clause (a) of sub-section 3, of the said section, the following words: "And shall also include all persons, who being agents for persons not resident within the county, city, or separated town, solicit orders for printing, to be afterwards delivered within the county, to any person not being a printer or publisher."

BILL.

An Act to amend the Municipal Act.

First Reading, 10th February, 1888.

Mr. MURRAY.

TORONTO:

PRINTED BY WARWICK & SON, 26 AND 28 FINE ST., W.

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No. 95]

**BILL.**

[1888.

An Act to amend the Act to provide for the payment  
of witnesses for the Crown.

**H**ER MAJESTY by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. *Section 3 of the Act to provide for the payment of Crown* Rev. Stat.  
5 *Witnesses is hereby amended by striking out all that part of* c. 184, s. 3,  
*the said section after the word "Court" in the twelfth line* amended.  
*thereof.*

BILL.

An Act to amend the Act to provide for the payment of Witnesses for the Crown.

First Reading, 10th February, 1888.

Mr. INGRAM.

TORONTO:

PRINTED BY WARWICK & SON, 26 AND 28 FRONT ST. W.



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No. 96.]

**BILL.**

[1888.

An Act to amend the **Municipal Act.**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

1. Sub-section 3, of section 569, of *The Municipal Act*, is hereby amended by adding after the word "individuals," in the seventh line thereof, the words "and including county roads." Rev. Stat, c. 184, s. 569 (3) amended.

BILL.

An Act to Amend the Municipal Act.

First Reading, 10th February, 1888.

MR. WOOD,  
(Hastings.)

TORONTO

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST W

An Act to amend the Act for the protection of Game  
and Fur-bearing Animals.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Sub-section 1 of section 1, of *The Act for the protection of* Rev. Stat. c.  
5 *Game and Fur-bearing Animals* is hereby repealed, and the 221, s. 1 (1),  
following substituted therefor :— repealed.

1. Deer, elk, moose, reindeer or caribou, between the first  
day of December, and the thirty-first day of October.

2. Section 13 of the said Act is hereby repealed, and the Rev. Stat. c.  
10 following substituted therefor :— 221, s. 13,  
repealed.

13. No owner of any hound or other dog known by the Hounds not to  
owner to be accustomed to pursue deer shall permit any such run at large  
hound or other dog, to run at large in any locality where deer during first  
are usually found during the period from the first day of part of  
November in any year, to the fifteenth day of the same month November.  
15 under a penalty, on conviction, of not more than \$25 nor less  
than \$5 for each offence. Any person harbouring or claiming  
to be the owner of any such hound or dog shall be deemed the  
owner thereof.

3. Every person desiring to hunt, take or kill deer shall be Licenses for  
20 hereafter required to take out a special license for that purpose, shooting deer.  
and shall procure the same from the Inspector of the  
District nearest to that wherein he proposes to hunt, take or  
kill deer as aforesaid, and which said license is not trans-  
25 ferable, and shall entitle the possessor thereof to hunt, take  
or kill deer for the season in which the same bears date and no  
longer ; and in addition to the payment of the fee of \$  
to be paid to the Inspector for such license as aforesaid, he  
shall also be required to pay to the said Inspector the sum of  
\$1 per head for each and every deer he shall take or kill or  
30 be instrumental in taking or killing during the said season,  
and for this purpose he shall be required to make a return  
under oath to the said Inspector at the end of the said season.

4. It shall be the duty of every county, township or village Inspector to  
Inspector appointed under section 14 of the said Act, to account account for  
to the Treasurer or other proper officer of the municipality moneys re-  
35 from which he receives his appointment for all moneys which ceived by him.  
may legally come to his hands in the prosecution of his duties  
as such Inspector.

Rev. Stat.  
c. 221, s. 14.

5. Section 14 of the said Act is hereby amended by adding thereto, after the word "salary" in the sixth line thereof, the words "or fees."

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FORM A.

LICENSE TO HUNT DEER, NOT TRANSFERABLE.

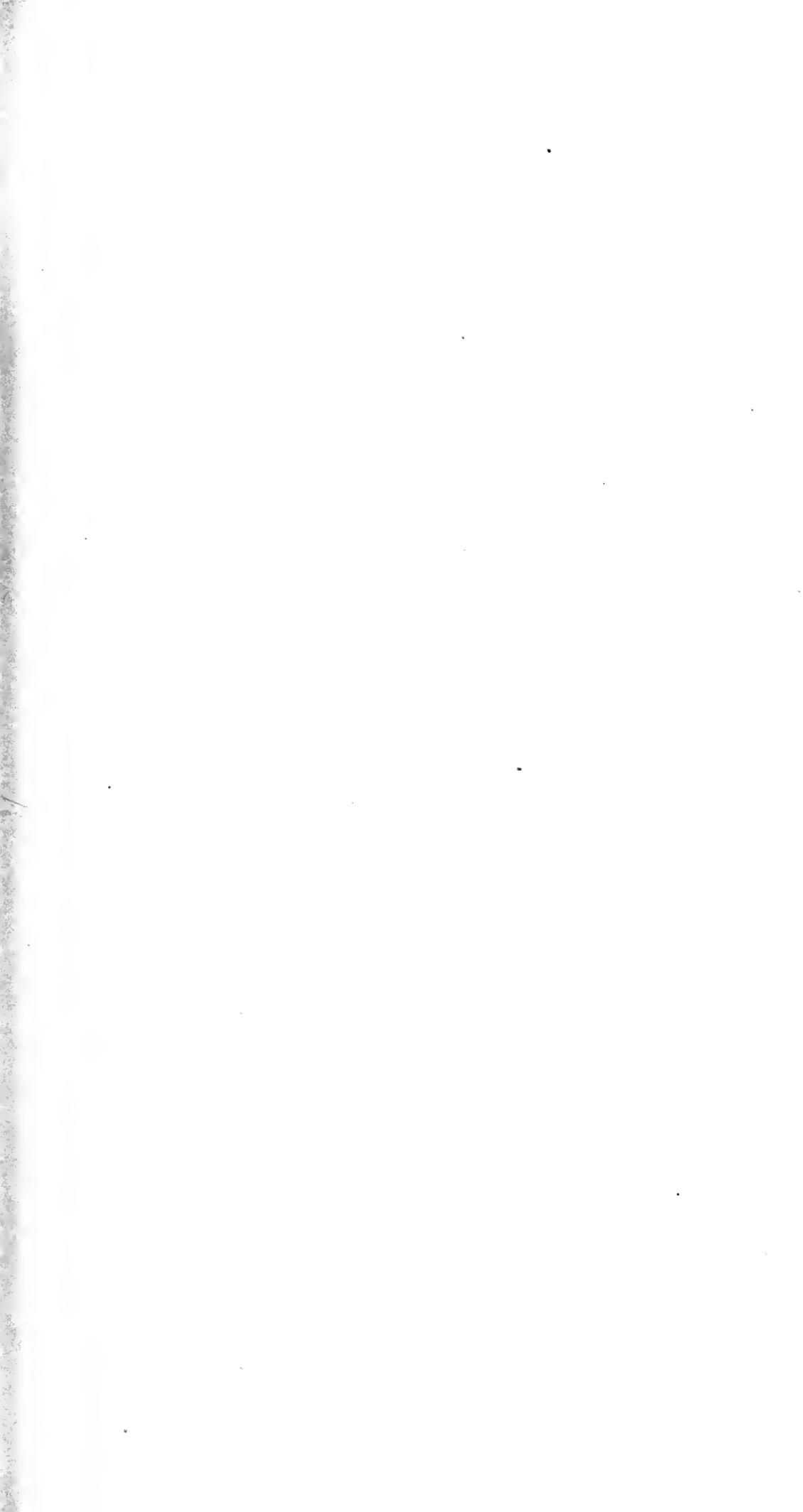
5

§

18

I, \_\_\_\_\_, Game Inspector for the District of \_\_\_\_\_, in the County of \_\_\_\_\_, do hereby certify that Mr. \_\_\_\_\_ has this day paid to me the sum of \$ \_\_\_\_\_ 10 as license fee which entitles him to hunt, take or kill deer, under the provisions of Chapter \_\_\_\_\_ of 51 Victoria, 1888, for the season beginning on the first day of November, 18 \_\_\_\_\_, and ending on the 31st day of December, 18 \_\_\_\_\_.

Inspector. 15



2nd Session, 6th Legislature, 51 Vic, 1888.

**BILL.**

An Act to amend the Act for the protection  
of Game and Fur-bearing Animals.

First Reading, 13th February, 1888.

Mr. PHELPS.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act for the protection of Game  
and Fur-bearing Animals.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Section 1 of the Act for *The Protection of Game and*  
5 *Fur-bearing Animals* is hereby amended by omitting there-  
from the words “deer, elk, moose, reindeer or caribou between  
the fifteenth day of December and the fifteenth day of Octo-  
ber” and inserting instead thereof the words following:—  
10 “Deer, elk, moose, reindeer or caribou between the twentieth  
day of November and the fifteenth day of October; but the  
period hereinbefore limited shall not, as to moose, apply before  
or until the fifteenth day of October, 1895, and no moose shall  
be hunted, taken or killed between the first day of April, 1888,  
and the fifteenth day of October, 1895.”

Rev. Stat. c.  
221, s. 1,  
amended.

2. Section 7 of the said Act is hereby amended by adding  
15 after the word “Act,” where it lastly occurs in said section, the  
words “and where no other penalty therefor is by this Act  
provided.”

Rev. Stat. c.  
221, s. 7,  
amended.

3. The said Act is hereby further amended by adding  
20 thereto the following as sections 16, 17, 18, 19, 20 and 21 of  
the said Act:—

16. No person shall at any time prior to the year 1895  
hunt, take or kill any deer, elk, moose, reindeer or caribou un-  
less such person has been actually resident and domiciled with-  
25 in the Province of Ontario for a period of at least three months  
next before the said time, and any person offending against  
this section shall be liable to a fine not exceeding \$20, nor less  
than \$10, with costs of the prosecution for each animal so  
hunted, taken or killed, and in default of immediate payment  
30 of said fine and costs shall be liable to be imprisoned in the  
common gaol of the county or district wherein the offence was  
committed for a period not exceeding three months.

Deer, etc., not  
to be hunted  
except by per-  
sons resident  
in Province.

17. No one person shall, during any one year prior to  
the year 1895 kill or take alive more than five deer; and no  
35 two persons hunting together or from one camp or place of ren-  
dezvous, or forming or being what is commonly known as a  
hunting party shall, in any one year prior to the year 1895, kill  
or take alive more than eight deer; and no three or more per-  
sons hunting together or from one camp or place of rendezvous,  
40 or forming or being what is commonly known as a hunting

Limit as to  
number of  
deer which any  
one person or  
several persons  
hunting to-  
gether may  
kill.

party shall, in any one year prior to the year 1895, kill or take alive more than twelve deer, and any person offending against this section shall be liable to a fine not exceeding \$20, nor less than \$5, with costs of the prosecution for each deer beyond or exceeding the number so permitted to be killed or taken as aforesaid, and in default of immediate payment of such fine and costs shall be liable to be imprisoned in the common gaol of the county or district within which the offence was committed for a period not exceeding three months. 5

**Imprisonment in default of payment of fine.** § 18. Where, under this Act, any person has been convicted of an offence against any of the provisions of this Act, such person, in default of the immediate payment of any fine or costs imposed upon him or for which he has been adjudged to be liable in respect or because of such offence, shall be liable and may be adjudged to be imprisoned in the common gaol of the county or district in which the offence was committed for a period not exceeding three months. 10 15

**Evidence of accused.** § 19. On the trial of any complaint, proceeding, matter or question under this Act, the person opposing or defending, or who is charged with any offence against or under any of the provisions of this Act, shall be competent and compellable to give evidence in or with respect to such complaint, proceeding, matter or question. 20

**Conviction not to be quashed for want of form.** § 20. A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form. 25

**Before whom prosecutions to be brought.** § 21. All prosecutions under this Act may be brought and heard before any of Her Majesty's justices of the peace in and for the county and district where the penalty was incurred, or the offence was committed, or wrong done, and in cities, towns and incorporated villages in which there is a police magistrate, before such police magistrate; and save where otherwise provided by this section the procedure shall be governed by *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions.* 30 35





**2nd Session 6th Legislature, 51. Vic, 1888.**

**BILL.**

An Act to amend the Act for the protection  
of Game and Fur-bearing Animals.

*Reprinted as amended by Select Committee.*

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First Reading, 13th February, 1888.  
Second " 27th February, 1888.

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Mr. PHELPS.

TORONTO :

PRINTED BY WAWWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act for the protection of Game  
and Fur-bearing Animals.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Section 1 of the Act for *The Protection of Game and*  
5 *Fur-bearing Animals* is hereby amended by omitting there-  
from the words “deer, elk, moose, reindeer or caribou between  
the fifteenth day of December and the fifteenth day of Octo-  
ber” and inserting instead thereof the words following:—  
10 “Deer, elk, moose, reindeer or caribou between the twentieth  
day of November and the fifteenth day of October; but the  
period hereinbefore limited shall not, as to moose, *elk, reindeer*  
*or caribou*, apply before or until the fifteenth day of October,  
1895, and no moose, *elk, reindeer or caribou* shall be hunted,  
15 taken or killed between the first day of April, 1888, and the  
fifteenth day of October, 1895.”

Rev. Stat. c.  
221, s. 1,  
amended.


2. Section 7 of the said Act is hereby amended by adding  
after the word “Act,” where it lastly occurs in said section, the  
words “and where no other penalty therefor is by this Act  
provided.”

Rev. Stat. c.  
221, s. 7,  
amended.



3. The said Act is hereby further amended by adding  
thereto the following as sections 16, 17, 18, 19, 20 and 21 of  
the said Act:—

16. No person shall at any time prior to the year 1895  
hunt, take or kill any deer, unless such person has been actually  
25 resident and domiciled within the Province of Ontario *or within*  
*the Province of Quebec* for a period of at least three months  
next before the said time, and any person offending against  
this section shall be liable to a fine not exceeding \$20, nor less  
than \$10, with costs of the prosecution for each animal so  
30 hunted, taken or killed, and in default of immediate payment  
of said fine and costs shall be liable to be imprisoned in the  
common gaol of the county or district wherein the offence  
was committed for a period not exceeding three months:  
Provided always that this section shall not apply to any  
person who, being a shareholder of or in an incorporated com-  
35 pany, hunts, kills or takes on the lands of such com-  
pany, any of the animals mentioned in this section:  
Provided, moreover, that this section shall not apply to  
any person in any year for which he has obtained from the  
Commissioner of Crown Lands a permit to hunt, kill or take



Deer not  
to be hunted  
except by per-  
sons resident  
in Province.

any of the animals in this section mentioned, and the Commissioner of Crown Lands is hereby authorized to grant and issue such a permit upon payment therefor of a fee of \$10 for each year during which the same is to be in force, and upon being satisfied that the person applying for the permit may be relied upon to observe and comply with the other provisions of this Act. 



Limit as to number of deer which any one person or several persons hunting together may kill.

 17. No one person shall, during any one year prior to the year 1895 kill or take alive more than five deer; and no two persons hunting together or from one camp or place of rendezvous, or forming or being what is commonly known as a hunting party shall, in any one year prior to the year 1895, kill or take alive more than eight deer; and no three or more persons hunting together or from one camp or place of rendezvous, or forming or being what is commonly known as a hunting party shall, in any one year prior to the year 1895, kill or take alive more than twelve deer, and any person offending against this section shall be liable to a fine not exceeding \$20, nor less than \$5, with costs of the prosecution for each deer beyond or exceeding the number so permitted to be killed or taken as aforesaid, and in default of immediate payment of such fine and costs shall be liable to be imprisoned in the common gaol of the county or district within which the offence was committed for a period not exceeding three months. 



Imprisonment in default of payment of fine.

 18. Where, under this Act, any person has been convicted of an offence against any of the provisions of this Act, such person, in default of the immediate payment of any fine or costs imposed upon him or for which he has been adjudged to be liable in respect or because of such offence, shall be liable and may be adjudged to be imprisoned in the common gaol of the county or district in which the offence was committed for a period not exceeding three months. 



Evidence of accused.

 19. On the trial of any complaint, proceeding, matter or question under this Act, the person opposing or defending, or who is charged with any offence against or under any of the provisions of this Act, shall be competent and compellable to give evidence in or with respect to such complaint, proceeding matter or question. 

Conviction not to be quashed for want of form.

 20. A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form. 

Before whom prosecutions to be brought.

 21. All prosecutions under this Act may be brought and heard before any of Her Majesty's justices of the peace in and for the county and district where the penalty was incurred, or the offence was committed, or wrong done, and in cities, towns and incorporated villages in which there is a police magistrate, before such police magistrate; and save where otherwise provided by this section the procedure shall be governed by *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions.* 



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2nd Session 6th Legislature, 51 Vic., 1888.

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BILL.

An Act to amend the Act for the protection  
of Game and Fur-bearing Animals.

*Reprinted as again amended by Committee  
of Whole House.*

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First Reading, 13th February, 1888.  
Second " 27th February, 1888.

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Mr. PHELPS.

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TORONTO:

PRINTED BY WAWTCE & SON, 26 AND 28 FRONT ST. W.

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No. 98.]

**BILL.**

[1888.

An Act to Amend the Assessment Act.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 7 of *The Assessment Act* is hereby amended by adding thereto the following as sub-section 14a:—

Sect. 7 of cap. 193, amended.

14a. All horses, cattle, sheep, and swine, which are owned and held by any owner, or tenant of any farm, and when such owner or tenant is carrying on the general business of farming or grazing.

Horses, cattle, sheep and swine exempt from taxation.

2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL.

An Act to amend the Assessment Act.

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First Reading, 13th February, 1888.

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M. WATERS.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



## An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 121 of *The Assessment Act* is hereby amended Rev. Stat. c. 193, s. 121, amended.  
 5 by striking out the word "local" in the first line thereof, the words "county in which his" and the words "is situate" in the tenth line, and the words "or to the treasurer of the city or town" in the eleventh line.
2. Section 138 of the said Act is hereby amended by striking Rev. Stat. c. 193, s. 138, amended.  
 10 out the word "county" in the third line of said section, and by inserting in lieu thereof the word "municipality."
3. Section 139 of the said Act is hereby amended by striking Rev. Stat. c. 193, s. 139, amended.  
 out the word "county" in the first line, and the word "local" in the second line.
4. Section 140 of the said Act is hereby amended by striking Rev. Stat. c. 193, s. 140, amended.  
 15 ing out the word "county" in the first line thereof and inserting in lieu thereof the word "municipality," and by striking out the word "each" in the second line of said section and substituting therefor the word "such," and by striking out  
 20 the words "except cities and towns" in said second line, and by striking out the words, "city and town" in the third line and inserting in lieu thereof the word "municipality."
5. Sub-section 2 of section 143 of the said Act is hereby Rev. Stat. c. 193, s. 143 (2), amended.  
 25 amended by striking out the word "county" in the third line of the said sub-section, and by striking out the words "each local" in the third line and substituting therefor the word "the", and by striking out the words "other than a city or town, and every city or town treasurer shall return to the clerk of the city or town."
6. Section 145 of the said Act and the sub-sections thereof Rev. Stat. c. 193, s. 145, repealed.  
 30 are hereby repealed.
7. Section 146 of the said Act is hereby amended by striking Rev. Stat. c. 193, s. 146, amended.  
 ing out the words "it is found by the statement directed by the last preceding section to be made to the county treasurer  
 35 that," and by striking out the word "county" where the same occurs in said section.
8. Section 148 of the said Act is hereby repealed. Rev. Stat. c. 193, s. 148, repealed.

Rev. Stat. c. 193, s. 152, amended. **9.** Section 152 of the said Act is hereby amended by striking out the word "county" in the first line thereof and inserting in lieu thereof the word "municipality", and by striking out the word "separate" in said first line, and the words "for each township and village" in the second line of said section. 5

Rev. Stat. c. 193, s. 155, amended. **10.** Section 155 of the said Act is hereby amended by striking out the word "county" in the first line thereof, and the word "any" in the third line thereof, and by inserting in lieu of such last mentioned word the word "the." 10

Rev. Stat. c. 193, s. 156, amended. **11.** Section 156 of the said Act is hereby amended by striking out the word "interested" in the fifth line thereof.

Rev. Stat. c. 193, s. 158, amended. **12.** Section 158 of the said Act is hereby amended by striking out the word "county" in the first line thereof, and the words "a township or village" in the third line thereof and by inserting in lieu of such last mentioned words the word "the". 15

Rev. Stat. c. 193, s. 160, repealed. **13.** Section 160 of the said Act is hereby repealed, and the following inserted in lieu thereof:

When lands to be sold for taxes. **160.** Where a portion of the tax on any land has been due for and in the third year or for more than three years preceding the current year, the treasurer of the municipality shall, unless otherwise directed by a by-law of the municipal council, submit to the mayor in case of cities and towns, and the reeve in the case of townships and villages, a list in duplicate of the lands liable under the provisions of this Act to be sold for taxes, with the amount of arrears against each lot set opposite to the same, and the mayor or reeve, as the case may be, shall authenticate each of such lists by affixing thereto the seal of the corporation and his signature, and one of such lists shall be deposited with the clerk of the municipality, and the other shall be returned to the treasurer, with a warrant thereto annexed, under the hand of the mayor or reeve, as the case may be, and the seal of the municipality, commanding him to levy upon the land for the arrears due thereon with his costs. 20 25 30

Rev. Stat. c. 193, s. 161, amended. **14.** Section 161 of the said Act is hereby amended by striking out the words, "a county, city, or town," in the first line thereof, and by inserting in lieu thereof the words "every municipality." 35

Rev. Stat. c. 193, s. 163, amended. **15.** Section 163 of the said Act is hereby amended by striking out the words, "several municipalities," in the third line, and by inserting in lieu thereof the word "municipality." 40

Rev. Stat. c. 193 s. 164, amended. **16.** Section 164 of the said Act is hereby amended by striking out the word "county," in the first line thereof, and all the words after the word "within" in the tenth line of said section, and inserting in lieu of such last mentioned words the words, "the municipality, or if none be so published in a newspaper published in the county in which such municipality is situated, or if none be so published in a newspaper published in some adjoining county." 45

17. Section 167 of the said Act is amended by striking out the words "at the court house of the county," and by inserting in lieu thereof the words "within the municipality." Rev. Stat. c. 193, s. 167 amended.
18. Sub-section 2 of section 170, of the said Act is amended by striking out the words "local" and "county," wherever the same occur in the said sub-section. Rev. Stat. c. 193, s. 170 (2) amended.
19. Sub-section 3 of section 170 of the said Act is hereby amended by striking out the word "local" wherever the same occurs in said sub-section. Rev. Stat. c. 193, s. 170 (3) amended.
20. Section 173 of the said Act is hereby amended by striking out the word "warden" in the tenth line thereof, and by inserting in lieu thereof the words "mayor," or "reeve," as the case may be." Rev. Stat. c. 193, s. 173 amended.
21. Section 181 of the said Act is amended by striking out the word "warden," in the sixth line of said section, and by inserting in lieu thereof the words "mayor in the case of cities and towns, and with the reeve in the case of townships and villages." Rev. Stat. c. 193, s. 181 amended.
22. Section 182 of the said Act is amended by striking out the word "warden" in the first line, and by inserting in lieu thereof the words "mayor and reeve." Rev. Stat. c. 193, s. 182 amended.
23. Sub-section 1 of section 184 of the said Act is amended by striking out the words "from the warden and treasurer," and by inserting in lieu thereof the words, "mentioned in section 181 of this Act." Rev. Stat. c. 193, s. 184 (1) amended.
24. Section 187 of the said Act is hereby amended by striking out the word "county" wherever the same occurs in the said section and by inserting in lieu of the word "county" where it last occurs in said section the word "municipality." Rev. Stat. c. 193, s. 187 amended.
25. Section 204 of the said Act is hereby repealed. Rev. Stat. c. 193, s. 204, repealed.
26. Section 205 of the said Act is amended by striking out the words "county, city and town," in the first line thereof and inserting in lieu thereof the word "municipality," and by striking out the words "the county, city or town clerk" wherever the same occur in the said section, and by inserting in lieu thereof the words "the clerk of the municipality". Rev. Stat. c. 193, s. 205, amended.
27. Section 206 of the said Act is hereby repealed and the following inserted in lieu thereof:— Rev. Stat. c. 193, s. 206, repealed.
206. Upon the incorporation of any new town or village in any municipality, the treasurer of such last mentioned municipality shall make out a list of all arrears of taxes then due and unpaid in his books, upon lands situated in the newly incorporated town or village and transmit the same to the treasurer of the town or village, who, after the receipt of the said list, shall have, with the mayor, in the case of towns, and with the reeve, in the case of villages, all the powers possessed by the treasurer and reeve of the municipality out of which said town or village has been formed, for the collection of such
- On incorporation of a town or village treasurer of municipality out of which town or village formed to transmit list of arrears to treasurer of town or village.

taxes, and for enforcement of the same by sale ; but in such list the treasurer of the municipality out of which said town or village has been formed shall not include any lot then advertised for sale for taxes.

Rev. Stat. c. 193, s. 207, repealed. **28.** Section 207 of the said Act is hereby repealed and the following inserted in lieu thereof :—

How arrears collected when new municipality formed. **207.** In cases where a new municipality is formed partly from two or more municipalities, the collection of arrears of taxes due at the time of formation shall be made by the treasurer of the newly formed municipality, and for the purpose of enabling him to make the collection, the treasurers of the other municipalities from which any portion of the new municipality is detached shall immediately upon the formation thereof make out lists of the arrears of taxes then due in their respective portions, and transmit the same to the treasurer of the new municipality.

Rev. Stat. c. 193, s. 208, repealed. **29.** Section 208 of the said Act is hereby repealed and the following inserted in lieu thereof :—

Who may take proceedings to enforce collection. **208.** The treasurer and mayor of the new municipality, if it be a town, and the treasurer and reeve, if it be a village, shall have power respectively to take for the collection of such arrears of taxes all the proceedings which treasurers and mayors or treasurers and reeves can take, for the sale and conveyance of land in arrear for taxes, and in case the lands in the new municipalities have been advertised by the treasurers of the municipalities of which the new municipalities formed part before its formation, the sale of such lands shall be completed in the same manner as if such new municipality had not been formed.

Rev. Stat. c. 193, s. 209, amended. **30.** Section 209 of the said Act is amended by striking out the word "county" wherever the same occurs in said section, and inserting in lieu thereof the word "municipality," and by striking out the word "warden" in the ninth line of said section, and inserting in lieu thereof the words "mayor (in the case of cities and towns) and the treasurer and reeve (in the case of townships and villages.)"

Rev. Stat. c. 193, s. 210-222 repealed. **31.** Sections 210 to 222, both inclusive of the said Act, are hereby repealed.

Rev. Stat. c. 193, s. 246, amended. **32.** Section 246 of the said Act is amended by striking out the words "the county, city or town treasurer, and inserting in lieu thereof the words, "the treasurer of every municipality."

Rev. Stat. c. 193, s. 247, amended. **33.** Section 247 of the said Act is amended by striking out the words "county, city and town," and "county, city or town" where they occur in the said section, and by inserting in lieu thereof the word "municipality."

Rev. Stat. c. 193, s. 248, amended. **34.** Section 248 of the said Act is amended by striking out the words "county, city or town" where the same occur in said section, and by inserting in lieu thereof the word "municipality."

**35.** Section 249 of the said Act is amended by striking out the words "county, city or town" wherever the same occur in the said section, and by inserting in lieu thereof the word "municipality."

Rev. Stat. c.  
193, s. 249,  
amended.

**36** Section 250 of the said Act is amended by striking out the words "county, city or town" in the second line of the said section, and by inserting in lieu thereof the word "municipality."

Rev. Stat. c.  
193, s. 250,  
amended.

**37.** Schedule K of the said Act is hereby repealed and the following substituted therefor:—

Rev. Stat. c.  
193, Sched. K,  
repealed.

## SCHEDULE K.

(Section 183.)

### FORM OF TAX DEED.

To all to whom these presents shall come :

We, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, esquire, mayor (or reeve), and \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, esquire, treasurer, of the city (or town, or township, or village) of \_\_\_\_\_, send greeting :

Whereas, by virtue of a warrant under the hand of the mayor (or reeve) and seal of the said city (or town, or township, or village), bearing date the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_, commanding the treasurer of the said city (or town, or township, or village) to levy upon the land hereinafter mentioned, for the arrears of taxes due thereon, with his costs, the treasurer of the said city (or town, or township, or village) did on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, sell by public auction to \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the county of \_\_\_\_\_ that certain parcel or tract of land and premises hereinafter mentioned, at and for the price or sum of \_\_\_\_\_ of lawful money of Canada on account of the arrears of taxes alleged to be due thereon up to the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_ together with costs.

Now, know ye, that we, the said \_\_\_\_\_ and \_\_\_\_\_ as mayor (or reeve) and treasurer of the said city (or town, or township, or village) in pursuance of such sale and of *The Assessment Act*, and for the consideration aforesaid, do hereby grant, bargain and sell unto the said \_\_\_\_\_ his heirs and assigns all that certain parcel or tract of land and premises containing being composed of (*describe the land so that the same may be readily identified.*)

In witness whereof we, the said mayor (or reeve) and treasurer of the said city (or town, or township, or village), have hereunto set our hands and affixed the seal of the said city (or town, or township, or village), this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_ and the clerk of the city (or town, or township, or village) has countersigned.

Countersigned,

*E. F.*

Clerk.

[Corporate Seal.]

*A. B.*

Mayor,

*C. D.*

Treasurer.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to Amend the Assessment Act.

First Reading, 14th February, 1888.

Mr. O'CONNOR.

TORONTO,

PRINTED BY WARWICK & SONS, 26 & 28 FRONT ST. W.

## An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 121 of *The Assessment Act* is hereby repealed and the following substituted therefor :

Rev. Stat. c. 193, s. 121, repealed.

121. The clerk of every municipality shall also make out a roll in which he shall enter the lands of non-residents whose names have not been set down in the assessor's roll, together with the value of every lot, part of lot, or parcel, as ascertained after the revision of the rolls ; and he shall enter opposite to each lot or parcel all the rates or taxes with which the same is chargeable, in the same manner as is provided for the entry of rates and taxes upon the collector's roll, and shall transmit the roll so made out, certified under his hand, to the treasurer of the municipality on or before the 1st day of November. R. S. O. 1877, c. 180, s. 90.

Clerk to make out rolls of lands of non-residents whose names not in assessment rolls, etc.

2. Sections 138, 139 and 140 of the said Act are hereby repealed and the following substituted therefor :

Rev. Stat. c. 193, ss. 138, 139 and 140 repealed.

138. The Commissioner of Crown Lands shall, in the month of February in every year, transmit to the treasurer of every municipality a list of all the land within the municipality patented, located as free grants, sold or agreed to be sold by the Crown, or leased, or appointed to any person, or in respect of which a license of occupation issued during the preceding year. R. S. O. 1877, c. 180, s. 106.

Annual lists of lands granted, etc., to be furnished by Commissioner of Crown Lands.

139. The treasurer shall furnish to the clerk of the municipality a copy of the said lists, so far as regards lands in such municipality, and such clerk shall furnish the assessors respectively with a statement showing what lands in the said annual list are liable to assessment within such assessor's assessment district. R. S. O. 1877, c. 180, s. 107.

Treasurers to furnish copies of lists of clerks of municipalities.

140. The treasurer of every municipality shall furnish to the clerk of such municipality, and the treasurer of every municipality shall furnish to the clerk of his municipality a list of all the lands in his municipality in respect of which any taxes have been in arrear for the three years next preceding the 1st day of January in any year ; and the said list shall be so furnished on or before the 1st day of February in every year, and shall be headed in the words following : " *List of lands liable to be sold for arrears of taxes in the year 18* ; " and, for the purposes of this Act, the taxes for the first year of the three which have expired under the provisions of this Act, on any land to be sold for taxes, shall be deemed to have been

Treasurer to furnish clerk with list of lands three years in arrears for taxes.

due for three years, although the same may not have been placed upon a collector's roll until some month in the year later than the month of January. R. S. O. 1877, c. 180, s. 108.

Rev. Stat. c. 193, s. 143 (2), repealed. **3.** Sub-section (2) of section 143, of the said Act, is hereby repealed and the following substituted therefor: 5

Treasurer to certify taxes due. (2) Except in the cases provided for by sections 52 and 54, on or before the 1st day of July in the then current year, the treasurer shall return to the clerk of the municipality an account of all arrears of taxes due in respect of such occupied lands, including the per centage chargeable under section 157 10 of this Act. 10

Rev. Stat. c. 193, s. 145, repealed. **4.** Section 145 of the said Act, and the sub-sections thereof are hereby repealed.

Rev. Stat. c. 193, s. 146, repealed. **5.** Section 146 of the said Act is hereby repealed and the 15 following substituted therefor: 15

Liability of lands to sale if arrears are not paid, and when. 146. In case the arrears of taxes upon the occupied lands of non-residents, directed by section 143 of this Act to be placed on the collector's roll, or any part thereof, remain in arrear, such land shall be liable to be sold for such arrears, and shall 20 be included in the next or ensuing list of lands to be sold by the treasurer, under the provisions of section 160 of this Act, notwithstanding that the same may be occupied in the year when such sale takes place; and such arrears shall not again be placed upon the collector's roll for collection. R. S. O. 1877, 25 c. 180, s. 114. 25

Rev. Stat. c. 193, s. 148, repealed. **6.** Section 148 of the said Act is hereby repealed.

Rev. Stat. c. 193, s. 152, repealed. **7.** Section 152 of the said Act is hereby repealed, and the following substituted therefor:

Lands on which taxes unpaid to be entered in certain books by treasurer. 152. The treasurer of every municipality shall keep a book 30 in which he shall enter all the lands in the municipality on which it appears from the returns made to him by the clerk, and from the collector's roll returned to him, that there are any taxes unpaid, and the amounts so due; and he shall, on the 1st day of May in every year, complete and balance his 35 books by entering against every parcel of land the arrears (if any) due at the last settlement, and the taxes of the preceding year which remain unpaid, and he shall ascertain and enter therein the total amount of arrears (if any) chargeable upon the land at that date. R. S. O. 1877, c. 180, s. 120. 40

Rev. Stat. c. 193, ss. 155 and 156, repealed. **8.** Sections 155 and 156 of the said Act are hereby repealed and the following substituted therefor:

Treasurer to correct errors. 155. The treasurer may correct any clerical error which he himself discovers, from time to time, or which may be certified to him by the clerk of the municipality. R. S. O. 1877, c. 180, 45 s. 122.

As to pretended receipts, etc. 156. If any person produces to the treasurer, as evidence of payment of any tax, any paper purporting to be a receipt of a collector, school trustee, or other municipal officer, he shall not be bound to accept the same until he has received a report



from the clerk of the municipality, certifying the correctness thereof, or until he is otherwise satisfied that such tax has been paid. R. S. O. 1877, c. 180, s. 123.

9. Section 158 of the said Act is hereby repealed and the 5 following substituted therefor: Rev. Stat. c. 193, s. 158 repealed.

158. Where the treasurer is satisfied that there is distress upon any lands of non-residents in arrear for taxes in the municipality, he may issue a warrant under his hand and seal to the collector of such municipality, who shall thereby be 10 authorized to levy the amount due, upon any goods and chattels found upon the land, in the same manner, and subject to the same provisions, as are contained in sections 122 to 128 inclusive of this Act, with respect to distresses made by collectors. R. S. O. 1877, c. 180, s. 125. When there is distress upon lands of non-residents, treasurer may authorize collector to levy.

15 10. Section 160 of the said Act is hereby repealed, and the following substituted therefor: Rev. Stat. c. 193, s. 160, repealed.

160. Where a portion of the tax on any land has been due for and in the third year or for more than three years preceding the current year, the treasurer of the municipality shall, 20 unless otherwise directed by a by-law of the municipal council, submit to the mayor in case of cities and towns, and the reeve in the case of townships and villages, a list in duplicate of the lands liable under the provisions of this Act to be sold for taxes, with the amount of arrears against each lot set opposite 25 to the same, and the mayor or reeve, as the case may be, shall authenticate each of such lists by affixing thereto the seal of the corporation and his signature, and one of such lists shall be deposited with the clerk of the municipality, and the other shall be returned to the treasurer, with a warrant thereto 30 annexed, under the hand of the mayor or reeve, as the case may be, and, the seal of the municipality, commanding him to evy upon the land for the arrears due thereon with his costs. When lands to be sold for taxes.

11. Section 161 of the said Act is hereby repealed, and the following substituted therefor: Rev. Stat. c. 193, s. 161 repealed.

35 161. The council of every municipality shall have power from time to time to extend beyond the term of three years, the time for the enforced collection by sale of non-resident taxes by by-law passed for that purpose. R. S. O. 1877, c. 180, s. 128. Council may extend time for payment.

40 12. Sections 163 and 164 of the said Act are hereby repealed and the following substituted therefor: Rev. Stat. c. 193, ss. 163 and 164, repealed.

163. The treasurer shall not sell any lands which have not been included in the lists furnished by him to the clerk of the municipality in the month of February preceding the sale, or 45 any of the lands which have been returned to him as being occupied under the provisions of section 143 of this Act, except the lands the arrears for which have been placed on the collection roll of the preceding year and again returned unpaid and still in arrear in consequence of insufficient distress 50 being found on the lands. R. S. O. 1877, c. 180, s. 130. What lands only the treasurer shall sell.

164. The treasurer shall prepare a copy of the list of lands to be sold, required by section 160 of this Act, and shall include therein, in a separate column, a statement of the proportion of costs chargeable on each lot for advertising, and for 60 Treasurer to prepare list of lands to be sold and advertise in Gazette.

the commissions authorized by this Act to be paid to him, distinguishing the lands as patented, unpatented, or under lease or license of occupation from the Crown, and shall cause such list to be published four weeks in the *Ontario Gazette*, and once a week, for thirteen weeks, in some newspaper published in the municipality, or if none be so published, in a newspaper published in the county in which such municipality is situated, or if none be so published, in a newspaper published in some adjoining county. R. S. O. 1877, c. 180, s. 131 (1). 5 10

Rev. Stat. c. 193, s. 167, repealed,

**13.** Section 167 of the said Act is hereby repealed, and the following substituted therefor:

Notice to be posted up.

167. The treasurer shall also post a notice similar to the said advertisement in some convenient and public place within the municipality at least three weeks before the time of sale. R. S. O. 1877, c. 180, s. 134. 15

Rev. Stat. 193, s. 170, (2, 3) repealed.

**14.** Sub-sections (2) and (3) of section 170 of the said Act are hereby repealed and the following substituted therefor:—

When land does not sell for full amount of taxes.

(2) If the treasurer fails at such sale to sell any land for the full amount of arrears of taxes due, he shall at such sale adjourn the same until a day then to be publicly named by him, not earlier than one week, nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the newspaper, or in one of the papers in which the original sale was advertised, and on such day he shall sell such lands unless otherwise directed by the municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; but the owner of any land so sold shall not be at liberty to redeem the same, except upon payment to the treasurer of the full amount of taxes due, together with the expenses of sale; and the treasurer shall account to the municipality for the full amount of taxes paid. R. S. O. 1877, c. 180, s. 137. 20 25 30

Purchase by municipalities of land sold for taxes.

(3) If the council of the municipality in which the same shall be situate desire to become the purchasers of any lot to which sub-section 2 refers for the amount of the arrears of taxes thereon, it shall be lawful for such municipality to purchase the same if the price offered at such adjourned sale shall be less than the amount of such arrears, and if the council of the municipality shall before the day of such adjourned sale have given notice in writing of the intention so to do, and it shall be the duty of the council of such municipality to sell any lands which shall be so acquired within three years from the time when they shall be acquired. 50 V., c. 32, s. 7. 35 40

Rev. Stat. c. 193, s. 173, repealed.

**15.** Section 173 of the said Act is hereby repealed, and the following substituted therefor:— 45

Treasurer selling to give purchaser a certificate of land sold.

173. The treasurer, after selling any land for taxes, shall give a certificate under his hand to the purchaser, stating distinctly what part of the land, and what interest therein, have been so sold, or stating that the whole lot or estate has been so sold, and describing the same, and also stating the quantity of land, the sum for which it has been sold, and the expenses of sale, and further stating that a deed conveying the same to the purchaser or his assigns, according to the nature of the estate 50

or interest sold, with reference to sections 170 and 171 of this Act, will be executed by the treasurer and mayor or reeve, as the case may be, on his or their demand, at any time after the expiration of one year from the date of the certificate, if the land is not previously redeemed. R. S. O. 1877, c. 180, s. 140.

16. Sections 181 and 182 of the said Act are hereby repealed, and the following substituted therefor :—

Rev. Stat. c. 193, ss. 181 and 182, repealed.

181. If the land is not redeemed within the period so allowed for its redemption, being one year exclusive of the day of sale as aforesaid, then, on the demand of the purchaser, or his assigns, or other legal representative, at any time afterwards, and on payment of \$1, the treasurer shall prepare and execute with the mayor in the case of cities and towns, and with the reeve in the case of townships and villages, and deliver to him or them a deed in duplicate of the land sold, in which deed any number of lots may be included at the request of the purchaser or any assignee of the purchaser. R. S. O. 1877, c. 180, s. 148.

Deed of sale, if not redeemed.

182. The words "treasurer" and "mayor" and "reeve" in the preceding section shall mean the persons who at the time of the execution of the deed in such section mentioned hold the said offices. R. S. O. 1877, c. 180, s. 149.

Meaning of words treasurer, mayor and reeve.

17. Sub-section (1) of section 184 of the said Act is hereby repealed, and the following substituted therefor :—

Rev. Stat. c. 193, s. 184, (1), repealed.

184.—(1) The deed shall be registered in the registry office of the registry division in which the lands are situate, within eighteen months after the sale, otherwise the parties claiming under such sale shall not be deemed to have preserved their priority as against a purchaser in good faith who has registered his deed prior to the registration of the deed mentioned in section 181 of this Act. R. S. O. 1877, c. 180, s. 151 (1).

Deed to be registered within eighteen months to obtain priority.

18. Section 187 of the said Act is hereby repealed, and the following substituted therefor :—

Rev. Stat. c. 193, s. 187, repealed.

187. The treasurer shall enter in a book, which the council shall furnish, a full description of every parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto, and such book, after such entries have been made therein, shall, together with all copies of collectors' rolls and other documents relating to non-resident lands, be by him kept among the records of the municipality. R. S. O. 1877, c. 180, s. 154.

Treasurer to enter in a book descriptions of lands conveyed to purchaser by him.

19. Section 204 of the said Act is hereby repealed.

Rev. Stat. c. 193, s. 204, repealed.

20. Sections 205, 206, 207, 208 and 209, of the said Act are hereby repealed, and the following substituted therefor :—

Rev. Stat. c. 193, ss. 205-209, repealed.

205. The treasurer of every municipality shall keep a triplicate blank receipt book, and on receipt of any sum of money for taxes on land, shall deliver to the party making payment one of such receipts, and shall deliver to the clerk of the municipality the second of the set, with the corresponding number, retaining the third of the set in the book, the delivery of such receipts to be made to the clerk at least every three months; and the clerk of the municipality shall file such receipts, and, in a book to be kept for that purpose, shall enter

Treasurers, etc., to keep triplicate blank receipt books.

Audit of  
books, &c.

the name of the party making payment; the lot on which payment is made; the amount paid; the date of payment, and the number of the receipt; and the auditors shall examine and audit such books and accounts at least once in every twelve months. R. S. O. 1877, c. 180, s. 186.

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On incorpora-  
tion of a town  
or village  
treasurer of  
municipality  
out of which  
town or village  
formed to  
transmit list  
of arrears to  
treasurer of  
town or  
village.

206. Upon the incorporation of any new town or village in any municipality, the treasurer of such last mentioned municipality shall make out a list of all arrears of taxes then due and unpaid in his books upon lands situated in the newly incorporated town or village and transmit the same to the treasurer of the town or village, who, after the receipt of the said list, shall have, with the mayor, in the case of towns, and with the reeve, in the case of villages, all the powers possessed by the treasurer and reeve of the municipality out of which said town or village has been formed, for the collection of such taxes and the enforcement of the same by sale, but in such list the treasurer of the municipality out of which said town or village has been formed, shall not include any lot then advertised for sale for taxes. 44 V. c. 25, s. 11; 46 V. c. 18, s. 24.

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How arrears  
collected when  
new municipi-  
pality formed.

207. In cases where a new municipality is formed partly from two or more municipalities, the collection of arrears of taxes due at the time of formation shall be made by the treasurer of the newly formed municipality, and for the purpose of enabling him to make the collection, the treasurers of the other municipalities, from which any portion of the new municipality is detached, shall immediately upon the formation thereof make out lists of the arrears of taxes then due in their respective portions, and transmit the same to the treasurer of the new municipality.

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Who may take  
proceedings to  
enforce collec-  
tion.

208. The treasurer and mayor of the new municipality, if it be a town, and the treasurer and reeve, if it be a village, shall have power respectively to take for the collection of such arrears of taxes all the proceedings which treasurers and mayors or treasurers and reeves can take for the sale and conveyance of land in arrear for taxes, and in case the lands in the new municipalities have been advertised by the treasurers of the municipalities of which the new municipality formed part before its formation, the sale of such lands shall be completed in the same manner as if such new municipality had not been formed.

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Proceedings  
where return  
made to  
treasurer  
before se-  
tion.

209. Where any municipality or part of a municipality has been or may be hereafter separated from one municipality and included in another after a return has been made to the treasurer of the municipality to which it formerly belonged of lands in arrear for taxes, but such lands have not been advertised for sale by the treasurer of such former municipality, such treasurer shall return to the treasurer of the municipality to which such territory belongs a list of all the lands within such territory returned as in arrear for taxes and not advertised; and the treasurer and mayor, in the case of cities and towns, and the treasurer and reeve, in the case of townships and villages, of the municipality to which the territory belongs shall have power respectively to take all the proceedings which treasurers and mayors or reeves under this Act can take for the sale and conveyance of lands in arrear for taxes; but in case the lands in such territory have been advertised before the separation,

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the sale of such lands shall be completed in the same manner as if the separation had not taken place, and conveyance of lands previously sold shall be made in like manner. 44 V. c. 25, s. 9.

- 5 **21.** Sections 210 to 222, both inclusive of the said Act, are hereby repealed. Rev. Stat. c. 193, ss. 210-222 repealed.
- 22.** Sections 246, 247, 248, 249, and 250 of the said Act are hereby repealed, and the following substituted therefor:— Rev. Stat. c. 193, ss. 246-250-repealed.
- 10 **246.** The treasurer of every municipality shall be accountable and responsible to the Crown for all moneys collected for any of the purposes mentioned in section 240 of this Act, and shall pay over such moneys to the Treasurer of the Province. Treasurer, etc., to account for and pay over Crown moneys.  
R. S. O. 1877, c. 180, s. 210.
- 15 **247.** Every municipality shall be responsible to Her Majesty, and to all other parties interested, that all moneys coming into the hands of the treasurer of the municipality, in virtue of his office, shall be by him duly paid over and accounted for according to law. Municipality responsible for such moneys.  
R. S. O. 1877, c. 180, s. 211.
- 20 **248.** The treasurer and his sureties, shall be responsible and accountable for such moneys in like manner to the municipality, and any bond or security given by them for the duly accounting for and paying over moneys coming into his hands belonging to the municipality, shall be taken to apply to all such moneys as are mentioned in section 240, and may be enforced against the treasurer or his sureties, in case of default on his part. Treasurer, etc., responsible to municipality, etc.  
Bonds to apply.  
25 R. S. O. 1877, c. 180, s. 212.
- 249.** The bond of the treasurer and his sureties shall apply to school moneys, and all public moneys of the Province; and, in case of any default, Her Majesty may enforce the responsibility of the municipality by stopping a like amount out of any public money which would otherwise be payable to the municipality or to the treasurer thereof, or by action against the corporation. Bonds to apply to school moneys, etc.  
30 R. S. O. 1877, c. 180, s. 213.
- 250.** Any person aggrieved by the default of the treasurer, may recover from the corporation of the municipality the amount due or payable to such person as money had and received to his use. Municipality responsible for default of treasurer, etc.  
35 R. S. O. 1877, c. 180, s. 214.
- 23.** The treasurer of every minor municipality shall annually, on or before the first day of February, make a return to the treasurer of the county in which the municipality is situated, shewing what lands, during the preceding year, have been sold or purchased by the municipality, under the powers by this Act conferred. Returns to county treasurer.  
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- 24.** Schedule K of the said Act is hereby repealed and the following substituted therefor:— Rev. Stat. c. 193, Sched. K, repealed.

## SCHEDULE K.

(Section 183.)

## FORM OF TAX DEED.

To all to whom these presents shall come :

We, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, esquire, mayor (or reeve), and \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, esquire, treasurer, of the city (or town, or township, or village) of \_\_\_\_\_, send greeting :

Whereas, by virtue of a warrant, under the hand of the mayor (or reeve) and seal of the said city (or town, or township, or village) bearing date the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_, commanding the treasurer of the said city (or town, or township, or village) to levy upon the land hereinafter mentioned, for the arrears of taxes due thereon, with his costs, the treasurer of the said city (or town, or township, or village) did on the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_, sell by public auction to \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the county of \_\_\_\_\_ that certain parcel or tract of land and premises hereinafter mentioned, at and for the price or sum of \_\_\_\_\_ of lawful money of Canada on account of the arrears of taxes alleged to be due thereon up to the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_ together with costs.

Now, know ye, that we, the said \_\_\_\_\_ and \_\_\_\_\_ as mayor (or reeve) and treasurer of the said city (or town, or township, or village) in pursuance of such sale and of *The Assessment Act*, and for the consideration aforesaid, do hereby grant, bargain and sell unto the said \_\_\_\_\_ his heirs and assigns all that certain parcel or tract of land and premises containing \_\_\_\_\_ being composed of (*describe the land so that the same may be readily identified.*)

In witness whereof we, the said mayor (or reeve) and treasurer of the said city (or town, or township, or village), have hereunto set our hands and affixed the seal of the said city (or town, or township, or village), this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_ and the clerk of the city (or town, or township, or village) has countersigned.

Countersigned,  
E. F.  
Clerk.

[Corporate Seal.]  
A. B.  
Mayor,  
C. D.  
Treasurer.

## NOTICE OF SALE OF LANDS IN ARREAR FOR TAXES.

City (or Town, or Township, }  
or Village) of }  
TO WIT: }

By virtue of a warrant, as subjoined, issued by the mayor (or reeve as the case may be) of \_\_\_\_\_ and bearing date the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_, for the collection of arrears of assessments due upon the under-mentioned lands in the said \_\_\_\_\_ (all such lands being patented lands, if none of such lands unpatented) I shall on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 18 \_\_\_\_\_, at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, at the \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ proceed to sell the said

lands by public auction, or such portions thereof as shall be necessary to pay such arrears, together with all charges thereon, unless the same be sooner paid.

(Signed) A. B.,  
City (Town, Village, or Township) Treasurer.

City (Town, Village, or  
Township) Treasurer's Office.

(Address) 18

No. of Registry in Treasurer's Books.	Description of property to be sold for Arrears of Taxes.	Names of persons assessed as owners or otherwise.	Years for which Taxes in Arrear.	Amount of Taxes in Arrear.	Charges for Commission.	Charges for Advertising.	Total.	REMARKS.

(Here subjoin warrant.)

2nd Session, 6th Legislature, 51 Vic., 1888

BILL.

An Act to amend the Assessment Act.

*Reprinted as amended by the Municipal  
Committee.*

First Reading, 14th February, 1888.

MR. O'CONNOR.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



## An Act to amend the Act respecting Coroners.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

5 1. Section 3 of *The Act respecting Coroners* is hereby amended by striking out the word "gaoler" in the first line thereof, and the words "gaol, prison," in the second line thereof, and by adding thereto the following sub-section:—

Rev. Stat. c.  
80, s. 3,  
amended.

10 (2) Upon the death of any prisoner, the gaoler of the gaol or prison in which such prisoner was confined shall immediately give notice thereof to some coroner of the county in which such gaol is situate, and to the county attorney for such county, but no inquest shall be held on the body of such deceased prisoner except upon the written request of such  
15 county attorney or of the judge of the county court of such county, or of two justices of the peace for such county, unless the affidavit provided for by section 4 of this Act is made by the coroner before whom such inquest is afterwards held.

No. 100.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Act respecting Corporations.

First Reading, 14th February, 1888.

MR. STEWART.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 263 of *The Municipal Act*, is hereby amended by adding the following sub-sections thereto:—

(3) The treasurer of every municipal corporation shall within one week before the day of the annual nomination meetings, provided for in sections 107, 108, 109, 110 and 111 of this Act, make up a detailed statement of the receipts, expenditures, assets and liabilities of the corporation, with an abstract thereof, showing under the several and appropriate heads, the aggregate receipts and expenditures, for and on account of the various departments of the public service, from the 1st day of January previous, to the date of such statement, which shall not be more than one week previous to the said nomination meetings; and such statement and abstract shall be delivered to, and kept in the office of the clerk of the municipality from the time the same shall have been completed as aforesaid, until the then ensuing election shall have been held, and any inhabitant or ratepayer of the municipality, shall at all reasonable hours, during the time aforesaid, be at liberty to inspect the same, and if he so desires, to take extracts therefrom, in said office without any charge therefor, provided that no person entitled to such inspection and making the same shall have the right to retain exclusive possession of said statement, as against any other inhabitant or ratepayer for more than one hour during the same day. Copies of such statement shall also be prepared by the clerk for, and be produced by the presiding officers, and be open to inspection at the places of nomination provided for in sections 107, 108, 109, 110 and 111 of this Act.

(4) The statement and abstract in the last preceding clause mentioned, shall be the statement or one of the statements afterwards extended and continued to the 31st day of December, which shall be submitted to the Auditors, to be appointed as provided for in this Act, and in case of any wilful error or omission being found therein, or in case the treasurer shall fail to make out and have the same delivered to the clerk for inspection at the times, and in the manner hereinafore provided, he shall be subject to a penalty of \$100 to be recoverable with full costs of suit, by any person who sues for the same in the Division Court having jurisdiction where the offence was committed.

(5) The Municipal Council may direct that such statement and abstract made out and certified by the treasurer as aforesaid, be printed and distributed throughout the municipality.

BILL.

An Act to amend the Municipal Act.

First Reading, 14th February, 1888.

MR. NAIRN.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

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No. 102]

## BILL.

An Act to amend the **General Road Companies' Act.**

**H**ER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

Rev. Stat. c.  
159, sec. 100  
amended.

1. Section 100 of *The General Road Companies' Act* is here-  
5 by amended by striking out the words "at least six days" in  
the twelfth line of said section.

No. 102.

2nd Session, 6th Legislature, 61 Vic., 1888.

BILL.

An Act to amend the General Road Companies' Act.

First Reading, 14th February, 1888.

Mr. MONK.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to amend The Railway Act of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act shall be read conjointly with, and shall form a part of *The Railway Act of Ontario*. Act to be read with Rev.Stat. c. 170.
2. No railway company shall use or permit the use of any kind of stove or furnace inside of or attached to any passenger car, sleeping car, or drawing-room car, forming part of any train other than a mixed or accommodation train composed partly of passenger and partly of freight cars, except during the time when any such car is detached from the locomotive or other car from which the steam, hot air, or hot water is supplied, so that it can no longer be heated by that means, or except when any such car is standing still at a station or elsewhere, or except when by reason of the supply of steam, hot air, or hot water used for heating such car being by accident or other emergency cut off, in any of which cases a stove or heating furnace situated in or attached to the car may be used for heating such car, but only until the steam, hot air, or hot water can be again used for such heating purposes; provided, also, that the prohibition contained in this section shall not apply to a stove or furnace used for cooking purposes in any dining, restaurant, or special car. (Laws of New York, 1887, Chap. 616.) Restrictions as to mode of heating cars.
3. No railway company shall use or permit the use for lighting or other purpose, of any lamp or other contrivance, suspended or stationary, burning petroleum, burning fluid or oil of any kind in any passenger car, sleeping car, drawing-room car, or dining or restaurant car, forming part of any train, except a train composed partly of passenger and partly of freight cars; provided always that if any such car is standing still at a station or elsewhere, or if it is detached from a train, or if by accident or other emergency, the lawful and usual mode of lighting the same becomes impossible, in any such case lamps burning petroleum or other oil may be used, so long as any such circumstance as aforesaid prevents the use of the lawful means of lighting, but no longer. (General Statutes of Massachusetts, 1872, Chap. 276.) Restrictions as to mode of lighting cars.
4. Every company shall cause to be placed and left in position, and renewed as from time to time is required by the inspector or inspecting officer of railways, a guard rail upon each side of each rail of its railway track parallel to the line of the rails, and extending along the approach at each end of Guard rails on bridges.

every bridge or permanent structure on the railway used for carrying the railway over any river, water-course, water-way, stream, canal, highway, or other railway for such continuous distance from each end of the said bridge or permanent structure as the inspector or inspecting officer of railways shall direct, and also extending along the whole length of such bridge or permanent structure, and such guard rail or rails shall be fitted with such re-railing frog or frogs as will best serve, in the opinion of the inspector or inspecting officer of railways, to restore a derailed locomotive or car to the track.

Inspectors to determine strength and position of guard rails.

5. Such rails shall be of such materials, manufacture, strength and dimensions, and shall be placed and secured in position in such manner as will, in the opinion of the inspector or inspecting officer of railways, best serve to prevent any locomotive or car, which has been derailed or has left the track, from striking any of the trusses of such bridge or permanent structure, or from running off such bridge or structure

Mode of laying ties on bridges.

6. Every company shall lay its cross ties or sleepers upon every such bridge or structure not more than two inches apart for the whole length of the bridge or structure, so as to form a level and continuous floor or deck for the rails upon such bridge or structure, and every cross tie or sleeper on such bridge or structure shall have its edges sawn or hewn square with its face, and on all deck spans the length of the cross ties or sleepers shall not be less than that of the face of the bridge abutments.

Trains not to run on Sundays.

7. No railway train of any kind, excepting a relief train in case of accident, or of fires or for the protection of life or property, shall be run upon any railway upon the Lord's Day; provided always, that any passenger train which has commenced its trip or journey on any day previous to the Lord's Day may, for the purpose of reaching its point of destination, continue its trip or journey on the Lord's Day, and, provided also that if, in the opinion of the Commissioner of Public Works, public convenience or any other urgent reason renders it expedient so to do, the said Commissioner may give authority in writing for the starting and running upon the Lord's Day of any train specified in such authority, regard being had to the due observance of the day. (Public Statutes of Massachusetts, 1882, Chap. 98, secs. 8 and 15.)

Appliances to be used to prevent escape of sparks from locomotives.

8. Within one year from the date of the passage of this Act, every railway company shall provide their locomotives with such suitable appliances as will, in the opinion of the inspector or inspecting officer of railways, best prevent the escape of sparks from the smoke stack, or of fire or burning coals from the ash-pan; and it shall be the duty of every engineer and fireman employed upon a locomotive to see that such appliances are in use and are kept in good order and repair, as far as the same can be reasonably done by them.

Precautions to be observed for prevention of fires.

9. No railway company shall permit their employees to deposit fire-coals or ashes upon their track in the immediate vicinity of woodlands, or of lands liable to be overrun by fire, and in all cases where any engineers, conductors or trainmen discover that any fences along the right of way, or any wood,



grass, or other materials upon the right of way are burning, it shall be their duty, except in cases where such fire or fires are set by and are in charge of the employees of the railway company for the purpose of destroying such combustible materials, to report the same at the next station, and the person in charge of such station shall take prompt measures for extinguishing such fires.

10 **10.** In seasons of drought, and during the early spring before vegetation has revived, every railway company shall employ a sufficient additional number of trackmen for the prompt extinguishment of fires along or upon their right of way. (Laws of New York, 1885, chap. 283, secs. 26, 27, 28.)

Precautions against fires at special seasons.

15 **11.** Every railway company shall equip every closed car owned by and regularly used in passenger trains by such company, with one set of tools, consisting of an axe, sledge-hammer, crowbar and handsaw, and such tools shall be so placed as to be easily removed when required for use. (Laws of New York, chap. 439, sec. 8.)

Passenger cars to be furnished with axes, etc.

20 **12.** This Act shall come into effect on the day of , 1888, and its provisions shall apply to every railway now or at any time hereafter subject to the legislative authority of the Legislature of the Province of Ontario.

Application and commencement of Act.

25 **13.** Every company which violates or neglects to comply with any of the provisions of sections 2, 3, 4, 5, 6, 8 and 11 of this Act shall for each such violation or case of neglect incur a penalty of \$ , and shall in addition thereto incur a further penalty of \$ for each day on which such violation or neglect continues.

Penalty for violations of ss. 2-6, 8 and 11.

30 **14.** Every company which violates any of the provisions of sections 7, 9 and 10 of this Act, and every company upon whose railway any train is permitted to be started or run in violation of any of the provisions of section 7, shall for each such violation incur a penalty of \$ .

Penalty for violations of ss. 7, 9 and 10.

35 **15.** In addition to the penalties imposed by this Act, the railway company shall be liable in damages to any person injured by reason of any violation or neglect of the provisions of this Act.

Liability to persons injured by violations of Act.

40 **16.** All penalties incurred under any of the sections of this Act may be recovered by Her Majesty's Attorney-General for Ontario in any court of competent jurisdiction, and shall be paid to the treasurer of the Province to the credit of "The Railway Inspection Fund," established by section 76 of *The Railway Act of Ontario*.

Application of penalties.

No. 103.

2nd Session, 6th Legislature, 51 Vie., 1888.

BILL.

An Act to amend the Railway Act of Ontario.

First Reading, 15th February, 1888.

Mr. BRONSON.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

**An Act to amend the Act respecting the Income and Property of the University of Toronto, University College and Upper Canada College.**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Act respecting the Income and Property of the University of Toronto, University College and Upper Canada College*, is hereby amended by striking out the word "sold" in the fourth line, and inserting in lieu thereof the words "transferred to the University of Toronto." Rev. Stat. c. 231, s. 3, amended.
2. Section 4 of the said Act is hereby amended by striking out the words "from the property so sold, or" in the first and second lines. Rev. Stat. c. 231, s. 4, amended.
3. Section 16 of the said Act is hereby amended by striking out the words "in University College and in the said Upper Canada College," in the third and fourth lines thereof, and inserting in lieu thereof the words "and University College," and by inserting after the word "Fund," in the twelfth line, the words "of the University of Toronto." Rev. Stat. c. 231, s. 16, amended.
4. Section 18 of the said Act is hereby amended by striking out the words "That part of the said Income Fund" in the first line, and inserting in lieu thereof the words "the Income," and also by adding to the said section the following words: "provided, however, the interest of all investments and securities now held by the Crown in trust for Upper Canada College shall be paid as heretofore to the Bursar of said College for the current expenses and maintenance thereof, so long as the buildings on the site hereinbefore mentioned are used for the purposes of said College." Rev. Stat. c. 231, s. 18, amended.
5. Section 24 of the said Act is hereby amended by striking out the words "or Council," in the last line, and inserting in lieu thereof the words "Council or Trustees." Rev. Stat. c. 231, s. 24, amended.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Act respecting the  
Income and Property of the University  
of Toronto, University College and Upper  
Canada College.

First Reading, 15th February, 1888.

Mr. ROSS,  
(*Middlesex.*)

TORONTO :  
PRINTED BY WARBICK & SONS, 26 AND 28 FRONT ST. W.

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No. 105]

**BILL.**

[1888.

An Act to Amend the Assessment Act.

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Section 3 of *The Assessment Act* is hereby amended by  
5 striking out the word "April" in the sixth line of the said  
section and inserting the word "March" in lieu thereof.

Rev. stat. c.  
193, s. 3,  
amended.

No. 105.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to Amend the Assessment Act.

First Reading, 15 February, 1888.

Mr. MONK.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

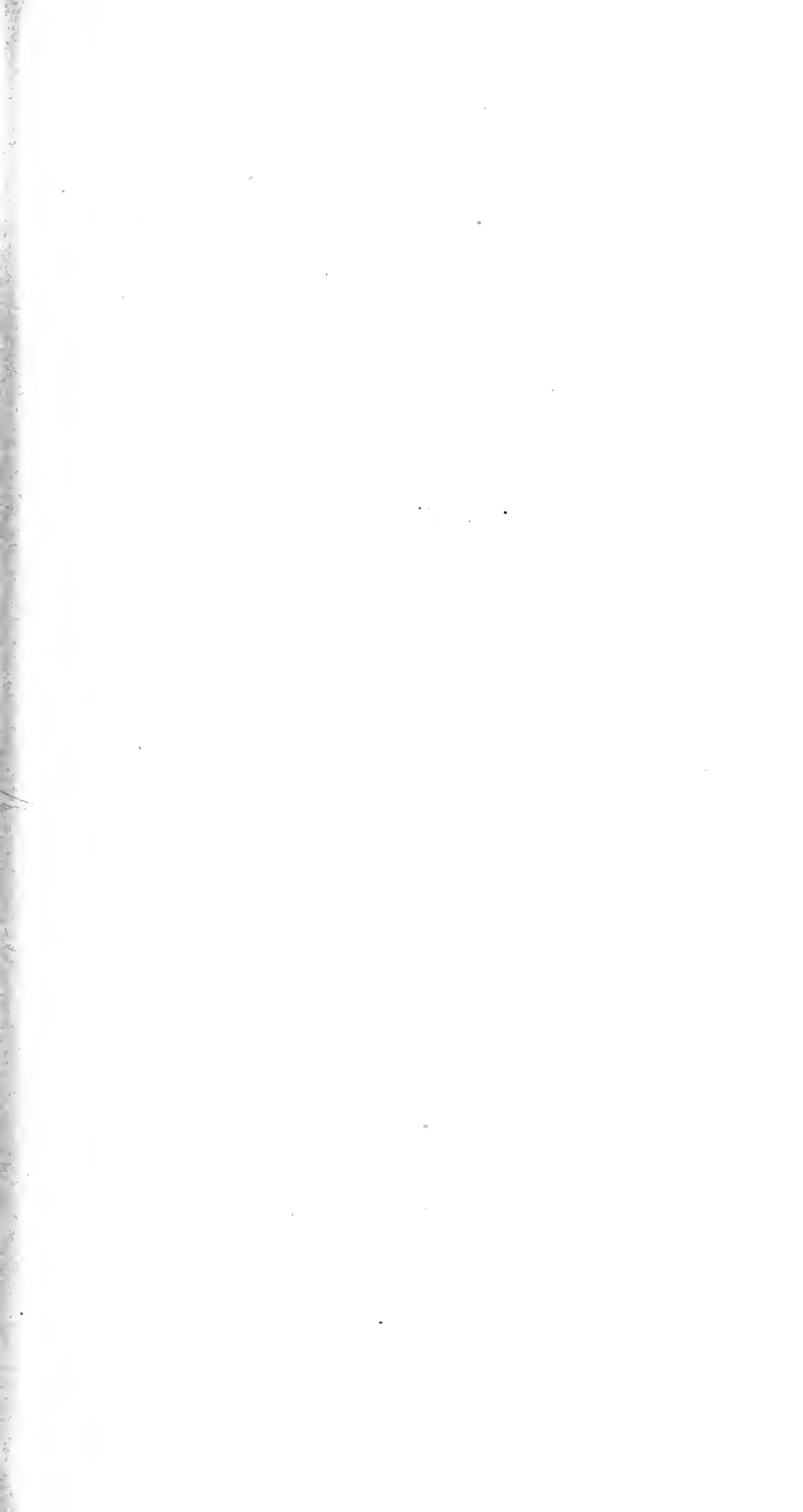
An Act to amend the Act respecting Insurance Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 8 of *The Ontario Insurance Act* is hereby amended by adding after the words "fire insurance company" in the third and fourth lines thereof the words, "or live stock insurance company." Rev. Stat. c. 167, s. 8, amended.
2. Section 10 of the said Act is hereby amended by adding after the word "company," in the fourth line thereof, the words, "or live stock insurance company." Rev. Stat. c. 167, s. 10, amended.
3. Section 11 of the said Act is hereby amended by adding after the words "at least," in the fifth line thereof, the words, "in a fire insurance company, or \$25,000 at least in a live stock insurance company." Rev. Stat. c. 167, s. 11, amended.
4. Sub-section 1 of section 13 of the said Act is hereby amended by adding after the words "Fire and Mutual," in the second line thereof, the words, "or live stock." Rev. Stat. c. 167, s. 13,(1) amended.
5. Section 17 of the said Act is hereby amended by adding after the word "property," in the eleventh line thereof, the words "or live stock." Rev. Stat. c. 167, s. 17, amended.
6. Section 27 of the said Act is hereby amended by adding after the word "fire," in the first line thereof, the words "or live stock." Rev. Stat. c. 167, s. 27, amended.
7. Section 30 of the said Act is hereby amended by adding after the word "fire," in the first line thereof, the words "or live stock." Rev. Stat. c. 167, s. 30, amended.
8. Section 38 of the said Act is hereby amended by adding after the word "fire" in the first line thereof, the words "or live stock." Rev. Stat. c. 167, s. 38, amended.
9. Section 40 of the said Act is hereby amended by adding after the word "fire," in the first line thereof, the words "and live stock." Rev. Stat. c. 167, s. 40, amended.
10. Section 106 of the said Act is hereby amended by adding thereto the following sub-section:— Rev. Stat. c. 167, s. 106, amended.

(2) This section, except so far as it relates to the insurance of mercantile and manufacturing risks, shall not apply to mutual and cash mutual fire insurance companies, and notwithstanding anything in this section contained, such companies may enter into contracts of fire insurance for any term not exceeding five years. 5





2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Act respecting  
Insurance Companies.

First Reading, 17th February, 1888.

Mr. BISHOP.

TORONTO:

PRINTED BY WATKIN & SONS, AND 28 FRONT ST. W.

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No. 107.]

**BILL.**

[1888.

An Act to amend the Act respecting Cemetery  
Companies.

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. *The Act respecting Cemetery Companies* is hereby Rev. Stat. c.  
175 amended.  
5 amended, by adding thereto the following section :

34. Any company incorporated under this Act may convey Power to con-  
vey property  
to municipal  
corporations.  
its property to any municipal corporation, under and subject  
to the conditions contained in sub-sections 11, 12 and 13 of  
section 489 of *The Municipal Act*.

BILL.

An Act to amend the Act respecting  
Cemetary Companies.

First Reading, 17th February, 1888.

Mr. GARSON.

TORONTO:

PRINTED BY WARWICK & SONS, 36 AND 28 FRONT ST. W.

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No. 108.]

**BILL.**

[1888.

An Act to amend the Municipal Act.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Subsection 11 of section 489 of *The Municipal Act* is <sup>Rev. c 184,</sup> hereby amended, by inserting the words "or cemetery or the <sup>s. 489 (11),</sup> cemetery company owning any burying-ground or cemetery" <sup>amended.</sup> after the words "burying-ground," in the twelfth line of the said subsection.

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2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL.

An Act to amend the Municipal Act.

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First Reading, 17th February, 1888.

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MR. GABSON.

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TORONTO:

PRINTED BY WANWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to amend the Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Every instrument within the meaning of section 2 of *The Registry Act*, which in its nature is, or purports to be, a power of attorney or authority from one person to another to sell lands, and in which instrument the commission, payment for services, or other remuneration of the attorney or agent therein named, is made a charge on the land, shall have no effect to charge the lands with such commission, payment for services or remuneration after one year from the date thereof, as against a subsequent purchaser or the creditors of the person giving the power or authority.

Instruments giving authority to sell and naming commission, not to bind land after one year from date.

2. An instrument within the meaning of sub-section 2 of the said Act, not purporting to convey the land therein mentioned, but which in its nature is, or purports to be, given as a security for the payment of a debt or liability incurred by the person giving the same in respect of a purchase or delivery of any goods, shall not have the effect of charging the lands unless the affidavit of execution states that the instrument was read over and explained to the owner or person executing the same, and that he appeared perfectly to understand the same, and was informed that it would be registered as an incumbrance on his land, such affidavit to be in the form in schedule A to this Act or to the like effect.

Affidavit of execution in case of instruments given in respect of purchase or delivery of goods.

3. Section 1 of this Act shall apply at the end of one year after the passing of this Act as well to instruments registered before as after the passing of this Act; and instruments of the nature mentioned in section 2 hereof registered before as well as after the passing hereof, may be discharged by filing in the registry office a certificate of discharge in the form contained in schedule B to this Act, or to the like effect; and as to such instruments as are registered before the passing hereof, the same shall cease to affect the lands unless proceedings be taken to enforce the same, and a certificate of *lis pendens* be filed, before the expiration of one year from the passing of this Act, or unless a county court judge otherwise orders and such order is registered.

Application of Act.

4. The registrar shall be entitled to charge for registering a certificate under the last preceding section the same fees as are chargeable for registering a certificate of discharge of mortgage or *lis pendens*.

Fees of registrar.

Registration  
of letters of  
administra-  
tion.

5. Letters of administration which under *The Devolution of Estates Act* affect lands, may be registered in the same manner as probates of wills are now registered, and the affidavit of verification of letters of administration, or of a probate of a will, or of letters of administration with the will annexed, or the affidavit of the execution of a will, may contain a description of the lands affected by the instrument, and shall be registered against the lands so described.

5

### SCHEDULE A.

#### AFFIDAVIT OF EXECUTION.

County of            } I, A. B., of the            , in county of  
To wit:            } (*addition*), make oath and say:

(1) That I was personally present and did see the annexed (*or within*) instrument duly signed and executed by            , therein named as signing the same.

(2) That the said instrument was read over in my presence and explained to the said            , and that he appeared perfectly to understand the same, and was informed that it would be registered as a charge and incumbrance on his lands.

(3) That the said instrument was executed at            .

(4) That            am a subscribing witness thereto.

Sworn, &c.

### SCHEDULE B.

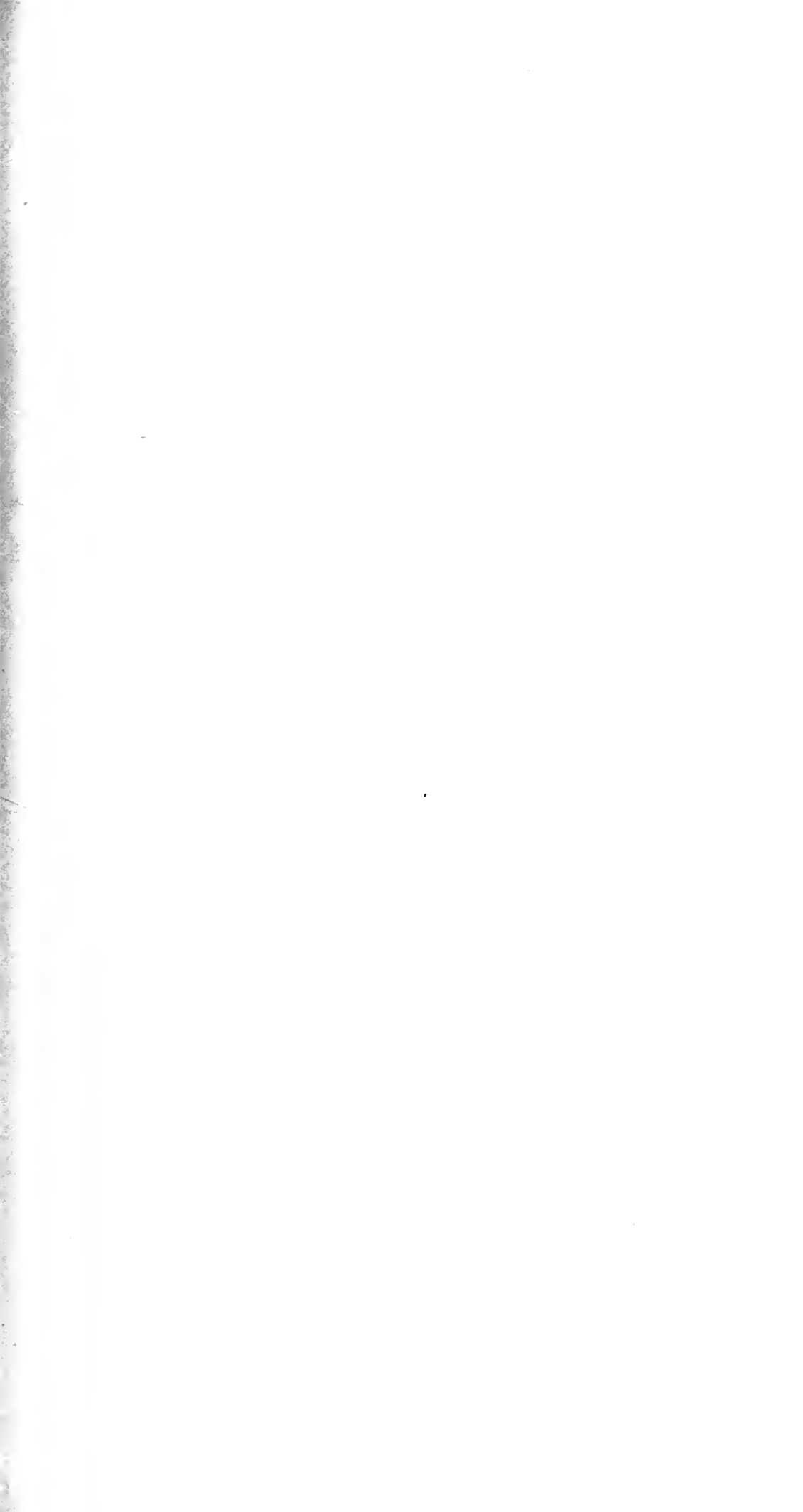
#### CERTIFICATE OF DISCHARGE.

County of            } I, of the            in the county of  
To wit:            } (*addition*),            do hereby  
certify that            , of the            of            , in the county of  
(*addition*), has satisfied all money due or to grow due  
upon a certain instrument made by            , to            , which  
instrument bears date the            day of            , A. D., 18            , and  
was registered in the registry office for the county of            ,  
on the            day of            , A. D. 18            , in book            for the  
                  , No.            (*here state whether instrument has been as-  
signed, and if so give particulars of assignment and registra-  
tion*),  
and that I am the person entitled by law to receive the money,  
and that such instrument is therefore discharged.

Witness:

*Affidavit of execution same as in discharge of mortgage.*





No. 109

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL

An Act to amend the Registry Act.

First Reading, 17th February, 1888.

Mr. CLANCY.

TORONTO:

PRINTED BY WATKIN & SONS, 26 AND 28 FRONT ST. W.

## An Act to amend the Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Every instrument within the meaning of section 2 of *The Registry Act*, which in its nature is, or purports to be, a power of attorney or authority from one person to another to sell lands, and in which instrument the commission, payment for services, or other remuneration of the attorney or agent therein named, is made a charge on the land, shall have no effect to charge the lands with such commission, payment for services or remuneration after one year from the date thereof, as against a subsequent purchaser or the creditors of the person giving the power or authority.

Instruments giving authority to sell and naming commission, not to bind land after one year from date.

2. An instrument within the meaning of sub-section 2 of the said Act, not purporting to convey the land therein mentioned, but which in its nature is, or purports to be, given as a security for the payment of a debt or liability incurred by the person giving the same in respect of a purchase or delivery of any goods, shall not have the effect of charging the lands unless the affidavit of execution states that the instrument was read over and explained to the owner or person executing the same, and that he appeared perfectly to understand the same, and was informed that it *might* be registered as an incumbrance on his land, such affidavit to be in the form in schedule A to this Act or to the like effect.

Affidavit of execution in case of instruments given in respect of purchase or delivery of goods.

3. Section 1 of this Act shall apply at the end of one year after the passing of this Act as well to instruments registered before as after the passing of this Act; and instruments of the nature mentioned in section 2 hereof registered before as well as after the passing hereof, may be discharged and the lands affected thereby released therefrom, by filing in the registry office a certificate of discharge in the form contained in schedule B to this Act, or to the like effect.

Application of Act.

4. The registrar shall be entitled to charge for registering a certificate under the last preceding section the same fees as are chargeable for registering a certificate of discharge of mortgage.

Fees of registrar.

5. Letters of administration which under *The Devolution of Estates Act* affect lands, may be registered in the same manner as probates of wills are now registered, and the registrar shall be entitled to charge for registering letters of administration, without a will annexed, a fee of one dollar.

Registration of letters of administration.

## SCHEDULE A.

## AFFIDAVIT OF EXECUTION.

County of            } I, A. B., of the            , in the county<sup>o</sup>  
To wit:            } of            ( addition ), make oath and say:

(1) That I was personally present and did see the annexed (or within) instrument ~~to~~ (and duplicate, if any, according to the fact), duly signed, sealed and executed by            , and            the parties thereto.

(2) That the said instrument was read over in my presence and explained to the said            , and that he appeared perfectly to understand the same, and was informed that it might be registered as an incumbrance on his lands.

(3) That the said instrument ~~to~~ (and duplicate, if any according to the fact) ~~to~~ was executed at the            of            .

~~(4)~~ (4) That I know the said parties (or one or more of them according to the fact.) ~~to~~

(5) That I am a subscribing witness ~~to~~ to the said (and duplicate, according to the fact.) ~~to~~

Sworn, &c.

## SCHEDULE B.

## CERTIFICATE OF DISCHARGE.

~~To~~ To the Registrar of the County of

County of            } I,            of the            in the county  
To wit:            } of            ( addition ),            do hereby  
certify that            , of the            of            , in the county of  
( addition )            , has satisfied all money due or to grow due  
on ~~to~~ (or has satisfied the sum of \$            mentioned in ~~to~~  
a certain instrument made by            of            to            , which  
instrument bears date the            day of            , A. D., 18            , and  
was registered in the registry office for the county of            ,  
on the            day of            , A. D. 18            , ~~at~~ at            minutes  
past            o'clock,            noon, ~~in~~ in liber            for            , as No.            .  
~~(here mention the day and date of registration of each  
assignment thereof, and the names of the parties, or mention  
that such instrument has not been assigned, as the fact may  
be.)~~

and that I am the person entitled by law to receive the money and that such instrument ~~to~~ (or such sum of money as aforesaid, or such part of the lands as is herein particularly described, that is to say:            ), ~~is~~ is therefore discharged.

Witness ~~to~~ my hand this            day of            A. D., 18 ~~to~~

One witness:

A. B.

Affidavit of execution same as in discharge of mortgage.



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2nd Session, 6th Legislature, 51 Vic. 1886.

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BILL.

An Act to amend the Registry Act.

*(Reprinted as amended by Select  
Committee.)*

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First Reading, 17th February, 1888.  
Second " 27th " "

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Mr. CLANCY.

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TORONTO :

PRINTED BY WARREN & SON, 26 AND 28 FRONT ST. W.

## An Act to amend the Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Every instrument within the meaning of section 2 of *The Registry Act*, which in its nature is, or purports to be, a power of attorney or authority from one person to another to sell lands, and in which instrument the commission, payment for services, or other remuneration of the attorney or agent therein named, is made a charge on the land, shall ~~not~~ not, as against a subsequent purchaser, or the creditors of the person giving the power or authority, have effect to charge the lands with such commission, payment for services, or remuneration, after the lapse of the time hereinafter mentioned, namely:—(1) after the lapse of one year from the making of the instrument, where the same is made or executed after the passing of this Act; (2) after the lapse of one year from the passing of this Act, where the instrument has been heretofore made or executed.

Instruments giving authority to sell and naming commission, not to bind land after one year from date.

2. An instrument within the meaning of section 2 of the said Act, not purporting to convey the land therein mentioned, but which in its nature is, or purports to be, given as a security for the payment of a debt or liability incurred by the person giving the same in respect of a purchase or delivery of any goods, shall not be registered unless the affidavit of execution states that the instrument was read over and explained to the owner or person executing the same, and that he appeared perfectly to understand the same, and was informed that it *might* be registered as an incumbrance on his land, such affidavit to be in the form in schedule A to this Act or to the like effect.

Affidavit of execution in case of instruments given in respect of purchase or delivery of goods.

3. Section 1 of this Act shall apply at the end of one year after the passing of this Act as well to instruments registered before as after the passing of this Act; and instruments of the nature mentioned in section 2 hereof registered before as well as after the passing hereof, may be discharged and the lands affected thereby released therefrom, by filing in the registry office a certificate of discharge in the form contained in schedule B to this Act, or to the like effect.

Application of Act.

4. The registrar shall be entitled to charge for registering a certificate under the last preceding section, including all entries in respect thereof, the same fees as are chargeable for registering a certificate of discharge of mortgage.

Fees of registrar.

Registration  
of letters of  
administra-  
tion.

5. Letters of administration which under *The Devolution of Estates Act* affect lands, may be registered in the same manner as probates of wills are now registered, and the registrar shall be entitled to charge for registering letters of administration, without a will annexed, *including all entries in respect thereof*, a fee of one dollar. 5

## SCHEDULE A.

### AFFIDAVIT OF EXECUTION.

County of } I, A. B., of the , in the county  
To wit: } of (addition), make oath and say

(1) That I was personally present and did see the annexed (or within) instrument (and duplicate, if any, according to the fact), duly signed, sealed and executed by and the parties thereto.

(2) That the said instrument was read over in my presence and explained to the said , and that he appeared perfectly to understand the same, and was informed that it might be registered as an incumbrance on his lands.

(3) That the said instrument (and duplicate, if any according to the fact) was executed at the of

(4) That I know the said parties (or one or more of them according to the fact.)

(5) That I am a subscribing witness to the said (and duplicate, according to the fact.)

Sworn, &c.

## SCHEDULE B.

### CERTIFICATE OF DISCHARGE.

To the Registrar of the County of

County of } I, of the in the county  
To wit: } of (addition), do hereby  
certify that , of the of , in the county of  
(addition) , has satisfied all money due or to grow due  
on (or has satisfied the sum of \$ mentioned in  
a certain instrument made by of to , which  
instrument bears date the day of , A. D., 18 , and  
was registered in the registry office for the county of  
on the day of , A. D. 18 , at minutes  
past o'clock, noon, in liber for , as No.  
(here mention the day and date of registration of each  
assignment thereof, and the names of the parties, or mention  
that such instrument has not been assigned, as the fact may  
be.)



and that I am the person entitled by law to receive the money,  
 and that such instrument (or such sum of money as afore-  
 said, or such part of the lands as is herein particularly  
 described, that is to say :                   ), is therefore discharged.

Witness my hand this            day of            A.D., 18~~91~~

*One witness :*

*A. B.*

*Affidavit of execution same as in discharge of mortgage.*

BILL.

An Act to amend the Registry Act.

*(Reprinted as again amended by Committee of the Whole House.)*

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First Reading,	17th February,	1888.
Second " "	27th " "	1888.

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M. CLANCY.

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TORONTO:

PRINTED BY WARWICK & SON, 26 AND 28 FRONT ST. W.

An Act to enable Trustees of High Schools or Collegiate Institutes to expropriate land for High School purposes.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. "High School" shall include Collegiate Institute. "High School"
- 5 2. "Land" shall mean vacant land. "Land."
3. A High School site shall not be selected in a township within a hundred yards of the garden, orchard, pleasure ground or dwelling house of the owner of the site without his consent. Selection of site restricted.
4. It shall be competent for the trustees to enlarge any existing High School site, as required by the regulations of the Education Department, provided no such enlargement shall be made in the direction of, or including an orchard, garden or dwelling house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged. Enlargement of school site.
- 15 5. If the owner of any land selected by the Board of Trustees of any High School for a site for High School purposes or for the enlargement of the High School premises, refuses to sell the same or demands therefor a price deemed unreasonable by the trustees of such High School, then such owner and trustees shall forthwith appoint an arbitrator, and the arbitrators thus appointed, together with the Senior County Judge of the County in which the site in dispute is situated, or in the case of his inability to attend, any person appointed by him on his behalf as third arbitrator, or any two of them shall appraise the damages for such land. Arbitration in case of disagreement.
- 20  
25
6. If the owner of land selected for a school site, as provided by the preceding section, neglects or refuses to appoint an arbitrator, it shall be competent for the County Judge with the arbitrator appointed by the trustees to meet and determine the matter; and in such cases the County Judge shall have a second or casting vote, if he and such arbitrator do not agree. Proceedings when owner refuses to appoint an arbitrator.
- 30
7. The arbitrators aforesaid, or any two of them, shall have the power to settle all claims or rights of incumbrancers, lessees, tenants, or other persons, as well as those of the owner in respect of the land required for the purpose of the High School site, upon notice in writing to every such claimant, and Powers of arbitrators.
- 35

after hearing and determining his claims or rights ; and upon tendering payment of the amount of such damage to the owner or other person entitled thereto, or to any part of such amount, by the trustees, the land shall be taken and used for the purpose aforesaid. 5

Proceedings when one arbitrator is absent.

8. If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting, in consequence of the neglect or the refusal of the other arbitrator to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days by giving the absent arbitrator notice of the adjournment. 10

Award to constitute title.

9. Any award for a High School site made and published under this Act, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned therein, and shall be a good title thereto against all persons interested in the property in any manner whatsoever, and shall be registered in the proper registry office on the affidavit of one of the trustees verifying the same. 15 20

Costs.

10. The costs of arbitration shall be paid by the parties concerned in such proportion as may be determined by the arbitrators.

Who may convey.

11. All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femes-coverts, or other person, seised, possessed of or interested in any land, may contract for, sell or convey all or part thereof to High School trustees for a school site or an addition to the school site, or for a teacher's residence ; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever ; and the corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act. 25 30 35

Notice in case owner is absent or unknown.

12. If the owner of land duly selected for the said purpose is absent from the county in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter ; that he knows the land and that some certain sum therein named is, in his opinion, a fair compensation for the same ; and on filing the said certificate with the Judge of the County Court of the county in which the land lies, accompanied by an affidavit or affidavits which satisfy the Judge that the owner is absent from the county and that, after diligent enquiry, he cannot be found, the Judge may order a notice to be inserted for such a time as he sees fit in some newspaper published in the county ; and he may, in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in such other way as he sees fit. 40 45 50

13. The notice shall contain a short description of the land, and a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of that sum is not accepted; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner; and shall contain any other particulars which the County Judge may direct.

Particulars of notice.

14. If within such time as the Judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property.

Appointment of arbitrator by judge.

15. Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land; and after the trustees have taken possession of land any claim to, or incumbrance upon the same or any portion thereof, shall as against the trustees, be converted into a claim to the compensation or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party.

Responsibility of trustees as to compensation.

16. If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees deem it advisable, they may pay the arbitration and other expenses, and deposit the amount of the compensation with the county treasurer, or in such other manner as the County Judge may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the agreement or award if there be no conveyance; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on an affidavit of one of the trustees verifying the same.

Deposit of compensation money by trustees.

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2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL.

An Act to enable Trustees of High Schools  
or Collegiate Institutes to expropriate  
land for High School purposes.

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First Reading, 20th February, 1888.

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Mr. ROSS,  
(*Middlesex*).

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act affecting Industrial Farms and Houses of Industry.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 460 of *The Municipal Act* is amended, by adding  
5 thereto the following subsections : .

Rev. Stat. c.  
184, s. 460,  
amended.

(4) Any two or more local municipalities shall have the same powers and rights as to acquiring, holding and maintaining an industrial farm, or acquiring, erecting and maintaining a house of industry or refuge as any county or city or  
10 united or contiguous counties or city or town and county now have under and by virtue of *The Municipal Act* or otherwise, and may arrange with any other local municipality or municipalities for the admission upon such terms and conditions as may be agreed upon between them, of such other local municipi-  
15 pality or municipalities to a joint ownership or occupancy or right of user by said other municipality or municipalities in or of said farm, house of industry or refuge. Any purchase or grant to or acquisition by two or more local municipalities of any such farm, or the erection of any such house of industry  
20 or refuge, or any agreement or by-law therefor or any agreement or by-law for the admission of any other local municipality to such joint ownership or right of user or occupation made, entered into or passed before the passing of this Act, shall be as valid and binding for all purposes as though made,  
25 entered into or passed after the passing hereof.

(5) All the provisions of the said *Municipal Act* relating to industrial farms, houses of industry or houses of refuge respectively, shall apply to any such local municipalities and to any industrial farm, house of industry or house of refuge  
30 acquired, erected, occupied or maintained thereby as fully as to any other municipality or municipalities in the preceding subsection mentioned, or to any industrial farm, house of industry or house of refuge acquired, owned, erected, occupied or maintained by them, or any of them.

2nd Session, 6th Legislature, 51 Vic. 1888.

BILL.

An Act affecting Industrial Farms and  
Houses of Industry.

First Reading, 17th February, 1888.

Mr. HARDY.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



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No. 112]

**BILL**

[1888.

An Act to amend the Municipal Act.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 532 of *The Municipal Act* is hereby amended Rev. Stat. c.  
184, s. 532  
amended.  
5 by inserting in the seventh line thereof, after the word “streams,” the words “or ponds or lakes,” and also by inserting in the eleventh line of said section after the word “rivers,” the words “or ponds or lakes.”

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to amend the Municipal Act.

First Reading, 21st February, 1888.

Mr. AWREY.

TORONTO:

PRINTED BY WARWICK & SONS, 25 AND 26 FRONT ST. W.

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No. 113.]

**BILL.**

[1888.

An Act to amend the Municipal Act.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 545 of *The Municipal Act* is amended by adding  
5 thereto the following sub-section: Rev. Stat.  
c. 184, s. 545,  
amended.

(2) All roads known as forced roads and assumed by any municipality, shall be presumed to be of the width of forty feet.

No. 113.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to amend the Municipal Act.

First Reading, 21st February, 1888.

Mr. LEES.

TORONTO:

PRINTED BY WARWICK & SOHN, 26 AND 28 FRONT ST. W.

## An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 532 of *The Municipal Act* is hereby repealed, and the following substituted in lieu thereof :—

Rev. Stat.  
c. 184, s. 532,  
repealed.

532. The county council shall have exclusive jurisdiction over all roads and bridges lying within any township, town, or incorporated village in the county, and which the council by by-law assumes with the assent of such township, town or village municipality as a county road or bridge, until the by-law has been repealed by the council.

Jurisdiction of  
county councils over roads  
and bridges.

2. Section 534 of the said Act is hereby repealed, and the following substituted in lieu thereof :—

Rev. Stat.  
c. 184, s. 534,  
repealed.

534. When a county council assumes by by-law, any road or bridge within a township as a county road or bridge, the council shall, with as little delay as reasonably may be, and at the expense of the county, cause the road to be planked, gravelled or macadamized, or the bridge to be built in a good and substantial manner, and shall keep the same in a suitable state of repair.

Roads or  
bridges as-  
sumed by  
county coun-  
cil to be made  
and repaired.

3. Section 535 of the said Act is hereby repealed, and the following substituted in lieu thereof :—

Rev. Stat.  
c. 184, s. 535,  
repealed.

535.—(1) The council of each county shall erect, maintain and keep in repair, all bridges over a river or stream forming a boundary line between two municipalities within the county, other than in the case of a separated town, and all bridges of 100 feet in length or more, over a river or stream crossing a boundary line between two municipalities within the county, or crossing a deviated road used in lieu of any such boundary line ; and shall also erect, maintain and keep in repair, all bridges of 100 feet in length or more, over a river or stream within the limits of any incorporated village in the county, and connecting any main highway leading through the county.

County coun-  
cil to erect  
bridges over  
rivers or  
streams form-  
ing or crossing  
boundary  
lines.

(2) It shall be the duty of the councils of counties, and the councils of a county, and city or separated town (as the case may be), to join in erecting, maintaining and keeping in repair, all bridges over a river or stream forming a boundary line between two or more counties, or between a county and city, or separated town (as the case may be), and over all bridges of 100 feet in length or more, over a river or stream crossing a boundary line between two or more counties, or between a county and city, or separated town, or crossing any deviated road used in lieu of any such boundary line.

Councils of  
counties and  
county and  
city, or separ-  
ated town, to  
join in the  
erection of  
bridges.

A deviated road used in lieu of a boundary line to be regarded as a boundary line.

(3) A road which lies wholly or partly between two municipalities shall be regarded as a boundary line within the meaning of this section, although such road may so deviate as that in some place or places it may be wholly within one of such municipalities, and a bridge of 100 feet in length or more, built over a river or stream crossing such road where it deviates as aforesaid, shall be held to be a bridge over a river or stream crossing a boundary line within the meaning of this section. 5

Council of any minor municipality may petition the council of the county.

(4) In the case of a bridge coming within the meaning of sub-section 1 of this section, the council of any one of the municipalities interested in the erection of any such bridge, may petition the council of the county to erect such bridge, and setting forth in the petition—first, the public necessity for the erection of the bridge; second, the site where it is proposed to erect said bridge; third, if the bridge is to be over a river or stream within an incorporated village, or over a river or stream crossing a boundary line, then in any such case the length of the bridge required is to be stated in the petition 15

(a) If the council of the county, for six months after receiving such petition, refuse or neglect to proceed with the erection of the bridge, then in such case the matters in dispute shall be referred to arbitrators, under the provisions of *The Municipal Act* respecting arbitrations (reserving to the council of the county the full right to determine the kind of bridge and the material thereof.) 20 25

What the arbitrators are to determine upon.

(b) The arbitrators shall have full power to decide as follows:—

First, if there is a public necessity for the erection of the bridge; second, if the bridge is to be over a river or stream within the limits of an incorporated village, or over a river or stream crossing a boundary line, or crossing any road used in lieu of a boundary line, then in either of such cases, the arbitrators shall determine whether said bridge is a hundred-foot bridge, as provided and set forth in sub-section 1 of this section; third, they shall also determine (if said bridge is within an incorporated village) whether the erection of said bridge is to connect any main highway leading through the county, and the award made shall be final. 30 35 40

If arbitrators decide against erection.

(c) If the arbitrators decide that there is no public necessity requiring or demanding the erection of said bridge, then in such case no further proceedings shall be taken (by any of the councils of the minor municipalities interested therein) for the period of two years, or such further time as the arbitrators may determine upon, but not exceeding four years in all; but at the expiration of such time, any one of the councils interested, may again take proceedings for the erection of such bridge as if no award had been made. 45 50

Any of the councils may pass a by-law.

(5) In the case of a bridge coming within the meaning of sub-section 2 of this section, the council of any one of the counties, or the council of the city or separated town, as the case may be, may pass a by-law providing for the erection of any such bridge, and setting forth in the by-law—first, the 55

public necessity that exists for the crection of the bridge ; second, the place or site where the bridge is to be erected ; third, the kind of bridge, and the material to be used in the construction thereof ; fourth, the proportion of the cost of construction, and maintenance to be borne by the municipality passing the by-law ; fifth, the time within which the bridge is to be completed ; sixth, in the case of a bridge over a river or stream crossing a boundary line, or crossing any deviated road used in lieu of any such boundary line, the length of the bridge is to be stated.

Provisions of the by-law.

(6) In case the other council or councils, as the case may be, for six months after receiving the copy of the by-law, omits or refuses to pass a similar, or any by-law, or may pass a by-law agreeing to one or more of the provisions of the first mentioned by-law, then in either of such cases the matters in dispute shall be referred to arbitrators, under the provisions of *The Municipal Act* respecting arbitrations, and the arbitrators shall proceed as hereinafter provided :—

(a) In case the council which receives a copy of the first-mentioned by-law omits, or refuses to pass a similar or any by-law, then in such case the arbitrators shall decide and determine upon all the provisions of the first-mentioned by-law, or in case such council may pass a by-law agreeing to one or more of the provisions of such first-mentioned by-law, then in such case the second-mentioned by-law shall be binding upon the municipality (passing the same) to the extent of the provisions agreed upon, and the arbitrators shall only decide and determine upon the provisions not agreed upon, and as to any dispute respecting the length of a bridge over a river or stream crossing a boundary line, or crossing any deviated road used in lieu of such boundary line, the arbitrators shall have full power to decide whether such bridge is a bridge of a hundred feet, under the provisions of sub-section 1 of this section.

Arbitrators to decide upon the whole by-law, or so much as is not agreed upon.

(b) If the arbitrators decide against the crection of the bridge, no further proceedings shall be taken by any of the councils having jurisdiction in the premises for the period of two years, or such further time as the arbitrators may determine upon, but not exceeding four years in all; but at the expiration of such time, any one of the councils interested, may again take proceedings for the erection of such bridge, as if no award had been made. The award as made by the arbitrators shall be final.

If arbitrators decide against erection of bridge, no proceedings to be taken for two or four years.

4. Section 536 of the said Act is hereby repealed, and the following substituted in lieu thereof :—

Rev. Stat. c. 184, s. 536, repealed.

536. All township, town and village boundary lines, not forming county boundary lines, and all deviated roads used in lieu of such boundary lines, and all bridges of less than 100 feet in length, over a river or stream crossing any such boundary line, or crossing any deviated road used in lieu of such boundary line, and not assumed by the county council, shall be opened, maintained, and kept in repair by the

Township, town or village boundary lines if not assumed by the county, to be maintained by the minor municipalities.

township, town or village council, as the case may be, including the erecting, maintaining and keeping in repair of all such bridges of less than 100 feet in length; but nothing herein contained shall prevent the council of the county from assuming all such bridges of less than 100 feet, if such council so desires. 5

Rev. Stat.  
c. 184, s. 537,  
repealed.

5. Section 537 of the said Act is hereby repealed, and the following substituted in lieu thereof:—

Township,  
town and vil-  
lage boundary  
lines, includ-  
ing bridges of  
less than 100  
feet to be  
maintained by  
the minor  
municipalities

537. All township, town and village boundary lines, forming also the county boundary lines, and all deviated roads used in lieu of such boundary lines, and all bridges of less than 100 feet in length, over a river or stream crossing any such boundary line, or crossing any deviated road used in lieu of any such boundary line between two municipalities, and not assumed by the respective counties interested, shall be opened, 15 maintained, and kept in repair by the township, town or village council, as the case may be, including the erecting, maintaining and keeping in repair all such bridges of less than 100 feet in length; but nothing herein contained shall prevent the councils of the counties, or the council of a county and city, or 20 separated town, from assuming all such bridges of less than 100 feet, if they can mutually agree as to the erecting, maintaining and keeping in repair of such bridges.

Rev. Stat.  
c. 184, s. 538,  
repealed.

6. Section 538 of the said Act is hereby repealed.

Rev. Stat.  
c. 184, ss. 539,  
and 540,  
repealed.

7. Sections 539 and 540 of the said Act are hereby repealed, 25 and the following substituted in lieu thereof:—

Concurrent  
by-laws  
required.

539.—(1) No by-law of the council of any one of such municipalities shall have any force respecting any such road or bridge mentioned in sections 536 and 537, until a by-law has been passed in similar terms as nearly as may be by the other 30 council or councils having jurisdiction in the premises.

What the by-  
law is to set  
forth.

(2) The council of any one of the municipalities interested, may pass a by-law setting forth—firstly, the kind of work that is to be performed upon the road, and also the extent of the work; secondly, the kind of material that is to be used in the construction of the road; thirdly, the proportion of the cost that the municipality is willing to assume; fourthly, the time within which the work is to be completed, and in the case of a bridge within the meaning of sections 536 and 537, the by-law shall set forth—first, the public necessity for the bridge; 40 second, the site where the bridge is to be built; third, the kind of bridge to be built; fourth, the material to be used in the construction; fifth, the time when the bridge is to be completed.

Proceedings  
under by-law.

540.—(1) In case the other council or councils, as the case may be, for six months after receiving a copy of the first-men- 45 tioned by-law, omits or refuses to pass a similar or any by-law, or passes a by-law agreeing to one or more of the provisions of the first-mentioned by-law, then in either of such cases, the matters in dispute shall be referred to arbitrators, under the provisions of *The Municipal Act* respecting arbi- 50 trations, and the arbitrators shall proceed as in the next subsection directed.



(2) In case the council which receives the copy of the first-mentioned by-law omits, or refuses to pass a similar or any by-law, then in such case the arbitrators shall decide and determine upon all the provisions of the first-mentioned by-law, or in case the council passes a by-law agreeing to one or more of the provisions of the first-mentioned by-law, then in such case the by-law shall be binding upon the municipality to the extent of the provisions agreed upon, and the arbitrators shall only decide and determine upon the provisions of the by-law not agreed upon, and the award so made shall be final.

8. Sections 556, 557, 558, 559, 560, 561, 562, 563, and 564 of the said Act are hereby repealed.

Arbitrators to decide.  
Rev. Stat. c. 184, ss. 556-564, repealed.

No. 114.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Municipal Act.

First Reading, 21st February, 1888.

MR. WATERS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

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No. 115.]

**BILL.**

[1888.

An Act to amend the Assessment Act.

**H**ER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Sub-section 3 of section 14 of *The Assessment Act* is  
5 hereby amended by the addition thereto of column thirty-four  
as follows :— Rev. Stat. c.  
193, s. 14 (3)  
amended.

Column 34— Each and every steam boiler in the municipality  
used for any purpose, with the name of owner and the purpose  
for which the same is used.

No. 115.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to amend the Assessment Act.

First Reading, 21st February, 1888.

MR. PHELPS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act respecting Stenographers in County Courts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Whenever in any County Court action, the parties to the Employment of Stenographers by consent of parties. action or their solicitors consent the judge may name a competent and disinterested person, who is capable to act as a stenographer, to take down in short hand the whole or any portion of the evidence or proceedings at the trial or hearing, and the expense of employing such stenographer shall be taxed as costs in the cause against the person who may be ordered to pay the costs.

2. The compensation of the stenographer so employed, in the Compensation. absence of an agreement between the parties to the action, shall be fixed by the judge, and shall be a debt due to him by the person or persons whom the judge may order to pay the same ; and execution may issue for the amount ordered.

3. The stenographer shall be sworn by the court or judge to well and truly take down the evidence and proceedings as given and taken, without fear, favour or affection, and he Stenographer to be an officer of the Court. shall be an officer of the court for the time being, and his official notes extended and transcribed shall have the same weight as evidence, and shall be taken and kept as such, in the same manner as is now provided in relation to the official stenographers of the High Court of Justice.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL

An Act respecting Stenographers in County Courts.

First Reading: 21st February, 1888.

Mr. FRENCH.

TORONTO.

PRINTED BY WARWICK & SONS, 26 & 28 FRONT ST. W.

## An Act respecting Manitoulin.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following parts of the provisional judicial district of Algoma are hereby separated therefrom so far as necessary for the purposes of this Act, and shall form a temporary judicial district, to be called "The Temporary Judicial District of Manitoulin;" and the provisions of law relating to temporary judicial districts in *The Unorganized Territory Act* shall apply thereto as if the said Temporary Judicial District of Manitoulin had been formed by proclamation of the Lieutenant-Governor; that is to say:
- The Great Manitoulin Island;  
Cockburn Island;
- 15 Barrie Island;  
The islands to the east and to the south of Manitoulin Island;  
Any islands which, in whole or in part, lie between the said island of Manitoulin and a straight line drawn from one point of land on the said island of Manitoulin to another point of land in the same island; and
- 20 The land covered with water adjacent to the said islands and within a distance of \_\_\_\_\_ yards from high water mark.  
(R. S. O. 1887, c. 91.)
2. All coroners, justices of the peace and commissioners for taking affidavits, now residing in the said temporary judicial district shall cease to have any authority in the remainder of the district of Algoma; and shall be coroners, justices of the peace and commissioners for the said Temporary Judicial District of Manitoulin, without new commissions, by the same tenure of office, and without again taking the oaths; but this shall not prevent the said justices from sitting in the General Sessions of the Peace for Algoma, (R. S. O. 1887, c. 91, s. 80).
3. All returns of convictions required to be made by justices of the peace shall be made to the clerk of the peace for the district of Algoma. (R. S. O. 1887, c. 91, s. 10.)
4. The first stipendiary magistrate to be appointed for the said temporary judicial district shall be one of the present stipendiary magistrates of the Province; and he shall hold office on the same tenure as other stipendiary magistrates.
- 5.—(1) Sittings of the District Court of Algoma, and of the General Sessions of the Peace of Algoma, shall be held twice a year within the said Temporary Judicial District of Manitoulin, at such times and place, or places, as the Lieutenant-Governor or the judge shall appoint.

Temporary  
judicial dis-  
trict of Mani-  
toulin.

Coroners,  
justices of the  
peace, etc.

Returns of  
Convictions.

First stipen-  
diary magis-  
trate.

Sittings of  
District Court  
and of General  
Sessions of  
the Peace.

(2.) Such sittings of the District Court shall be for the trial of causes in respect of a contract made within the district of Manitoulin; or if the action is not upon contract, then where the cause of action arose within such district, or the defendant resides therein. 5

(3.) Such Sessions of the Peace shall be for the trial of causes within the jurisdiction of the General Sessions of the Peace, provided the offence was committed within the said district of Manitoulin; but when an offender can be more conveniently tried outside of the district of Manitoulin he may be so tried. 10  
(R. S. O. 1887, c. 91, ss. 73, 75 (2).)

Jurisdiction of  
General  
Sessions.

6. The said sittings of the General Sessions of the Peace shall be the proper Court for the trial of appeals to the General Sessions from a decision, order, or conviction made by a Justice or Justices of the Peace, or other Magistrates within the District of Manitoulin, and such Court shall have full and complete jurisdiction and authority for the trial of every such appeal, as well as for the trial, under the preceding section, of any person charged with an offence committed within the said district of Manitoulin over which the Sessions have jurisdiction. 20  
(R. S. O. 1887, c. 91, s. 75 (1).)

District judge  
may hold  
division  
courts.

7. The judge of the District of Algoma may, if he thinks fit, at the request of the stipendiary magistrate of the said temporary judicial district, hold any division court in the said temporary judicial district; and the said judge, while holding such court, shall have all the rights, powers and privileges of the stipendiary magistrate. (R. S. O. 1887, c. 91, s. 22) 25

Gaols and  
lock-ups to be  
common gaols  
of district and  
of Algoma.

8.—(1) Any gaol or lock-up heretofore or hereafter erected by the authority of the Lieutenant-Governor in the said temporary judicial district, shall be a common gaol of such district and the district of Algoma, for the safe custody of persons charged with the commission of crimes, within such temporary judicial district, or with the commission therein of offences against any of the statutes of this Province, or against any municipal by-law, who may not have been finally committed for trial; or for the safe custody of persons finally committed for trial, charged aforesaid, who are to be tried within such temporary judicial district; or for the confinement of persons sentenced within the said district for crimes or offences aforesaid, for periods not exceeding six months; or for the confinement of persons sentenced as aforesaid for periods exceeding six months, until such persons can be conveniently removed to the gaol at Sault Ste. Marie, or other lawful prison to which they are sentenced. (R. S. O. 1887, c. 91, s. 16.) 30 35 40 45

(2) Nothing contained in the preceding sub-section shall be construed to prevent any court or magistrate from directing the committal, either for safe custody or for punishment, of any person whom it may be considered expedient to commit to the common gaol at Sault Ste. Marie. (R. S. O. 1887, c. 91, s. 15, (2).) 50

Application  
of Rev. Stat.  
c. 116.

9. The Lieutenant-Governor shall appoint for the said temporary judicial district a Local Master of Titles, and the sections of *The Land Titles Act* numbered 135 to 144 inclusive, 55



shall apply to the said temporary judicial district, and to the said local master of titles and other officers and persons there- in mentioned.

10 **10.** The local master of titles shall also be registrar of deeds; he shall hold office during pleasure; he shall register all deeds and other conveyances and instruments relating to lands situate in any part of the said temporary judicial district and laid out and surveyed by the Crown; his duties as registrar shall be the same as the duties of other registrars under the registry laws of this Province; and his fees shall be the same as those appointed and established by such registry laws. (R. S. O. 1887, c. 91, s. 35.)

Local master of titles to be registrar of deeds.

15 **11.—(1)** The provisions of law relating to securities to be given by registrars of deeds in other parts of Ontario shall apply to the registrar of the said temporary judicial district, except that the security to be given by such officer as Registrar, or as Local Master of Titles and Registrar, shall be for such an amount as the Lieutenant-Governor in Council may determine. (R. S. O. 1887, c. 91, s. 36.)

Security to be furnished by registrar.

20 (2) In case the Lieutenant-Governor shall require one instrument of security to be given for both offices, such instrument shall be, as nearly as may be, in the form given in schedule A to *The Registry Act*, subject, however, to the provisions of sections 24 and 25 of *The Act respecting Public Officers*. (R. S. O. 1887, c. 15, ss. 24, 25.)

25 (3) The said officer and his sureties shall, in such case, be jointly and severally liable on their covenant to any aggrieved person or persons, including the Crown, to indemnify him or them against any damage or loss sustained by him or them, by or through the neglect or misconduct of the officer, or his deputy, in the performance of the duties of his office not exceeding the penalty named therein, but this provision shall not exempt the officer from any further responsibility to persons sustaining damage or loss as aforesaid, or render him liable in respect of any act or omission for which protection is given 30 by section 88 of *The Land Titles Act*. (R. S. O. 1887, c. 114, s. 15; c. 116, s. 88.)

35 **12.** The registrar of the district of Algoma shall transfer and deliver to the registrar of the said temporary judicial district, all books, deeds, papers, plans and documents in his possession, as such registrar of Algoma, referring or relating exclusively to lands within such district; and all the provisions of the registry laws relating to the transfer of books, deeds, memorials, plans, and other documents or instruments from one registry office to another registry office when a part of a county has been detached therefrom and set apart for registration purposes, shall apply to the said registrar and registry office in the said temporary judicial district. (R.S.O. 1887, c. 91, s. 37.)

Transfer of books, etc., to be made by registrar of Algoma.

40 **13.** The said registrar shall keep his office in a place to be named for that purpose in his commission, or at such other place as may be appointed from time to time by the Lieutenant-Governor.

Office of registrar.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act respecting Manitoulin.

First Reading, 21st February, 1888.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SOX, 26 AND 28 FRONT ST. W.

## An Act respecting Manitoulin.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following parts of the provisional judicial district of Algoma are hereby separated therefrom so far as necessary for the purposes of this Act, and shall form a temporary judicial district, to be called "The Temporary Judicial District of Manitoulin;" and the provisions of law relating to temporary judicial districts in *The Unorganized Territory Act* shall apply thereto as if the said Temporary Judicial District of Manitoulin had been formed by proclamation of the Lieutenant-Governor; that is to say:

The Great Manitoulin Island;

The islands named Cockburn, Barrie, Fitzwilliam, Lonely, Club, Wall and Rabbit.

All islands between any of these and the Great Manitoulin.

The islands south of the Great Manitoulin.

Any islands which in whole or in part lie between headland and headland around the Great Manitoulin.

The land covered with water adjacent to the said islands and within a distance of \_\_\_\_\_ yards from high water mark. (R. S. O. 1887, c. 91.)

2. All coroners, justices of the peace and commissioners for taking affidavits, now residing in the said temporary judicial district shall cease to have any authority in the remainder of the district of Algoma; and shall be coroners, justices of the peace and commissioners for the said Temporary Judicial District of Manitoulin, without new commissions, by the same tenure of office, and without again taking the oaths; but this shall not prevent the said justices from sitting in the General Sessions of the Peace for Algoma, (R.S.O. 1887, c.91, s.80).

3. All returns of convictions required to be made by justices of the peace shall be made to the clerk of the peace for the district of Algoma. (R. S. O. 1887, c. 91, s. 10.)

4. The first stipendiary magistrate to be appointed for the said temporary judicial district shall be one of the present stipendiary magistrates of the Province; and he shall hold office on the same tenure as other stipendiary magistrates.

5.—(1) Sittings of the District Court of Algoma, and of the General Sessions of the Peace of Algoma, shall be held twice a year within the said Temporary Judicial District of Manitoulin, at such times and place, or places, as the Lieutenant-Governor shall appoint.

Temporary  
judicial dis-  
trict of Mani-  
toulin.

Coroners,  
justices of the  
peace, etc.

Returns of  
Convictions.

First stipen-  
diary magis-  
trate.

Sittings of  
District Court  
and of General  
Sessions of  
the Peace.

(2.) Such sittings of the District Court shall be for the trial of causes in respect of a contract made within the district of Manitoulin; or if the action is not upon contract, then where the cause of action arose within such district, or the defendant resides therein. 5

(3) Such Sessions of the Peace shall be for the trial of causes within the jurisdiction of the General Sessions of the Peace, provided the offence was committed within the said district of Manitoulin; but when an offender can be more conveniently tried outside of the district of Manitoulin he may be so tried. 10  
(R. S. O. 1887, c. 91, ss. 73, 75 (2).)

Jurisdiction of  
General  
Sessions.

6. The said sittings of the General Sessions of the Peace shall be the proper Court for the trial of appeals to the General Sessions from a decision, order, or conviction made by a Justice or Justices of the Peace, or other Magistrates within the District of Manitoulin, and such Court shall have full and complete jurisdiction and authority for the trial of every such appeal, as well as for the trial, under the preceding section, of any person charged with an offence committed within the said district of Manitoulin over which the Sessions have jurisdiction 15  
(R. S. O. 1887, c. 91, s. 75 (1).) 20

District judge  
may hold  
division  
courts.

7.—(1) The Judge of the District of Algoma may, if he thinks fit, at the request of the stipendiary magistrate of the said temporary judicial district, hold any division court in the said temporary judicial district; and the said Judge, while holding such court, shall have all the rights, powers and privileges of the stipendiary magistrate. (R. S. O. 1887, c. 91, s. 22.) 25

Stipendiary  
Magistrate  
may act for  
District  
Judge.

(2) The Stipendiary Magistrate may, at the request of the District Judge, act for the Judge in holding any Division Court or performing any other function or duty of the Judge in connection with the Division Courts in any part of the District of Algoma, and while so acting, shall have all the rights, powers and privileges of the Judge. 30

Gaols and  
lock-ups to be  
common gaols  
of district and  
of Algoma.

8.—(1) Any gaol or lock-up heretofore or hereafter erected by the authority of the Lieutenant-Governor in the said temporary judicial district, shall be a common gaol of such district and the district of Algoma, for the safe custody of persons charged in such temporary judicial district with the commission of crimes or with offences against any of the statutes of this Province, or against any municipal by-law, who may not have been finally committed for trial; or for the safe custody of persons finally committed for trial, charged as aforesaid, who are to be tried within such temporary judicial district; or for the confinement of persons sentenced within the said district for crimes or offences aforesaid, for periods not exceeding six months; or for the confinement of persons sentenced as aforesaid for periods exceeding six months, until such persons can be conveniently removed to the gaol at Sault Ste. Marie, or other lawful prison to which they are sentenced. (R.S.O. 1887, c. 91, s. 16.) 40 45 50

(2.) Nothing contained in the preceding sub-section shall be construed to prevent any court or magistrate from directing the committal, either for safe custody or for punishment, of

any person whom it may be considered expedient to commit to the common gaol at Sault Ste. Marie. (R. S. O. 1887, c. 91, s. 15, (2).)

9. The Lieutenant-Governor shall appoint for the said temporary judicial district a Local Master of Titles, and the sections of *The Land Titles Act* numbered 135 to 144 inclusive, shall apply to the said temporary judicial district, and to the said local master of titles and other officers and persons there- in mentioned.

Application of Rev. Stat. c. 116.

10. 10. The local master of titles shall also be registrar of deeds; he shall hold office during pleasure; he shall register all deeds and other conveyances and instruments relating to lands situate in any part of the said temporary judicial district and laid out and surveyed by the Crown; his duties as registrar shall be the same as the duties of other registrars under the registry laws of this Province; and his fees shall be the same as those appointed and established by such registry laws. (R. S. O. 1887, c. 91, s. 35.)

Local master of titles to be registrar of deeds.

11.—(1) The provisions of law relating to securities to be given by registrars of deeds in other parts of Ontario shall apply to the registrar of the said temporary judicial district, except that the security to be given by such officer as Registrar, or as Local Master of Titles and Registrar, shall be for such an amount as the Lieutenant-Governor in Council may determine. (R. S. O. 1887, c. 91, s. 36.)

Security to be furnished by registrar.

25 (2) In case the Lieutenant-Governor shall require one instrument of security to be given for both offices, such instrument shall be, as nearly as may be, in the form given in schedule A to *The Registry Act*, subject, however, to the provisions of sections 24 and 25 of *The Act respecting Public Officers*. 30 (R. S. O. 1887, c. 15, ss. 24, 25.)

(3) The said officer and his sureties shall, in such case, be jointly and severally liable on their covenant to any aggrieved person or persons, including the Crown, to indemnify him or them against any damage or loss sustained by him or them, 35 by or through the neglect or misconduct of the officer, or his deputy, in the performance of the duties of his office not exceeding the penalty named therein, but this provision shall not exempt the officer from any further responsibility to persons sustaining damage or loss as aforesaid, or render him liable in 40 respect of any act or omission for which protection is given by section 88 of *The Land Titles Act*. (R. S. O. 1887, c. 114, s. 15; c. 116, s. 88.)

12. The registrar of the district of Algoma shall transfer and deliver to the registrar of the said temporary judicial district, 45 all books, deeds, papers, plans and documents in his possession, as such registrar of Algoma, referring or relating exclusively to lands within such district; and all the provisions of the registry laws relating to the transfer of books, deeds, mem- orials, plans, and other documents or instruments from one 50 registry office to another registry office when a part of a county has been detached therefrom and set apart for registration purposes, shall apply to the said registrar and registry office in the said temporary judicial district. (R. S. O. 1887, c. 91, s. 37.)

Transfer of books, etc., to be made by registrar of Algoma.

Office of registrar.

**13.** The said registrar shall keep his office in a place to be named for that purpose in his commission, or at such other place as may be appointed from time to time by the Lieutenant-Governor.

Appointment of deputy clerk.

**14** (1) The Lieutenant-Governor may, from time to time, appoint, under the great seal, an officer for the District Court of the Provisional Judicial District of Algoma to be called the deputy clerk for Manitoulin, who shall hold office during pleasure.

(2) In case after an appointment has been made a vacancy occurs in such office, the clerk of the Division Court at the place where the office of deputy clerk is held shall, *ex officio*, be deputy clerk until another appointment is made.

(3) The said deputy clerk shall issue writs for the commencement of actions in the District Court, and shall, in respect of actions so commenced and of proceedings therein, perform the like duties and have the like powers and rights as are performed or possessed by the clerk of the District Court at Sault Ste. Marie in respect of actions commenced by writs issued out of his office, and of proceedings therein; and the said deputy clerk shall also issue such writs and process as may be required in such actions as may in like cases be issued by the said clerk of the District Court, and may renew any such writs as by law may be renewed.

(3) The deputy clerk shall have the custody of a seal similar in design to the seal of the Court in the custody of the clerk at Sault Ste. Marie, and the said deputy clerk shall seal with the said seal all writs, process and proceedings requiring the seal of the said court; and every writ, process or proceeding sealed with such seal shall be held to be duly sealed with the seal of the said court.

(R. S. O., 1887, ch. 91, s.s. 67.)

Place of trial.


**15.** In actions arising in the District of Algoma in which the venue is local the writ shall be issued out of the office of the deputy clerk, and the place of trial in Manitoulin shall be named in the same manner as if the said district was a separate county; but the Judge may, if he sees fit, change the place of trial in any action. (*Ib.* 68.)



Deputy clerk to be deputy registrar for Surrogate Court.



**16.**—(1) The deputy clerk for the Manitoulin district of the District Court of Algoma, shall, *ex officio*, be deputy registrar for Manitoulin of the Surrogate Court of Algoma; and he shall keep his office of deputy registrar at the same place as he is required to keep his office of deputy clerk.

Rev. Stat. c. 50.

(2) Sections 11, 12, 13, and 14 of *The Surrogate Courts Act* shall apply as nearly as may be to the deputy registrar for Manitoulin; and he shall observe and conform to the provisions thereof; and shall perform the like duties, and shall have the like powers and rights, under and by virtue of the said Act, within the district of Manitoulin, as are performed or possessed by the registrar of the Surrogate Court for Algoma at Sault Ste. Marie; and the latter shall not exercise the powers and rights of registrar of the Surrogate Court for Algoma, in regard to applications for probate, or letters of administration, in respect of the will, or estate, of any person

who had at the time of his death fixed place of abode in the district of Manitoulin, or of any person who, having no fixed place of abode within Ontario, had, at the time of his death, real or personal estate in the district of Manitoulin and not elsewhere in Algoma, which, but for this section, would have been exercised by him as registrar of the Surrogate Court for Algoma. 

 (3) The said deputy registrar of surrogate shall have the custody of a seal similar in design to the seal of the Court in the custody of the registrar, and such seal shall be the seal of the court for the purpose of sealing all grants, letters, writs, certificates, papers, or proceedings in connection with any matter or thing in the office of the said deputy registrar requiring to be sealed. (*Ib.* sec. 69). 

10  17. The Surrogate Court for Algoma shall, in the District of Manitoulin, in respect of matters arising within the District of Manitoulin, hold such sittings as the Judge of the Surrogate Court of the Provisional Judicial District of Algoma may think proper and necessary; but the said Judge may, when he deems  
15 it more convenient for the parties interested, perform any judicial or ministerial act affecting either of the said Surrogate divisions in the other of such divisions. (*Ib.* sec. 70). 

Sittings of  
Surrogate  
Court.

No. 117.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL

An Act respecting Manitoulin.

*Reprinted as amended by Committee of the  
Whole House.*

First Reading, 21st February 1888.  
Second " 8th March, 1888.

The ATTORNEY-GENERAL.

TORONTO.

PRINTED BY WARWICK & SONS, 26 & 28 FRONT ST. W.



An Act relating to the payment of the expenses of the Enforcement of the Canada Temperance Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sections 142, 148, 149 and 151 of *The Liquor License Act*, 5 are hereby repealed and the following sections substituted therefor:—

Rev. Stat. c. 194, ss. 142, 148, 149 and 151 repealed.

142. The Lieutenant-Governor in Council may, notwithstanding that any such by-law affects the whole or part of any county, or that the second part of *The Canada Temperance Act* is in force in the whole or part of any county, nominate a board of license commissioners of the number, and for the period mentioned in section 3 of this Act, and also an inspector; and the said board and inspector shall have, discharge and exercise all such powers and duties respectively for preventing the sale, traffic or disposal of liquor contrary to the said Acts or this Act as they respectively have or should perform under this Act. R. S. O. 1877. c. 181, s. 105.

Commissioners and inspectors may be appointed where Temperance Acts in force.

148.—(1) The expenses of carrying into effect such of the provisions of this Act, or of the Acts or by-law hereinafter mentioned, as may be in force in municipalities where a by-law prohibiting the sale of intoxicating liquors under *The Temperance Act of 1864*, or where the second part of *The Canada Temperance Act* is in force, except as is hereinafter by this Act provided, shall be borne and paid by the county within which any by-law for prohibiting the sale of liquor under *The Temperance Act of 1864*, or within which the second part of *The Canada Temperance Act* is in force; and where the by-law is that of a minor municipality, such expenses shall be paid by the minor municipality. 41 V. c. 14, s. 6 (1); 44 V. c. 27, s. 11.

Expense of enforcing this Act in municipalities under the Temperance Acts, how borne.

(2) The expenses payable under this section by a county, or by a minor municipality, shall be by them paid into the bank in which the license fund is kept to the credit of the license fund account for the license district, and shall become due and payable within one month after an estimate of the amount of the expenses for the current license year shall be made by the board of license commissioners for the license district, and approved by the Provincial Secretary (which approval shall be final and conclusive) and after a copy or duplicate of such estimate and approval, together with a notice in writing by the board of license commissioners requesting payment of the amount payable by the municipality, shall be served upon the clerk of the county, or minor municipality, or on such days

Proportion payable by the Province or Municipality, how and when to be paid.

and times as by the said request or notice are named for that purpose; and should any estimate prove insufficient for the payment of the expenses of the license year any deficiency may be provided for in the estimate for the succeeding year; and should any sums remain unexpended in any year, the same may be applied on account of the expenses of the succeeding year. 5

Payment of proportion, how enforced.

(3) Payment may be enforced against any county, or minor municipality, by the board of license commissioners in any court of competent jurisdiction in the name and by the title of "The Board of License Commissioners for the License District of \_\_\_\_\_," and it shall not be necessary to mention or include the names of the license commissioners in the proceedings; and the said action or proceedings may be carried on in the name of such board as fully and effectually as though such board were incorporated under the afore-said name or title. In the event of the death or resignation of any of the license commissioners, or of the expiry of their commission and of the re-appointment of the same, or of the appointment of other license commissioners, the proceedings, or action, shall not cease, abate or determine, but shall proceed as though no change had been made in the commission or license commissioners, and in the event of said board being condemned in costs, the same may be payable out of the license fund. 41 V. c. 14, s. 6 (2-3); 48 V. c. 43, s. 8, *part*. 10 15 20 25

Minor Municipality, meaning of.

(4) The words "Minor Municipality" in this section shall be held to mean any municipality, other than a county or union of counties. 41 V. c. 14, s. 11.

Expenses of enforcing C. T. Act in cities.

(5) In cities which are separate license districts in which the second part of *The Canada Temperance Act* is in force the expenses of enforcing or carrying into effect the provisions of the said Act shall be borne by the city, as in the case of counties in which the said second part of the said Act is in force, and such expenses of the city shall be estimated and ascertained, and become due and payable, and payment may be enforced against the city in the same manner or under like circumstances as are provided in the case of county municipalities, and all of the provisions of this Act having reference to the said expenses and the mode of ascertaining, fixing and collecting the same, which are applicable to counties in which the said second part of *The Canada Temperance Act* is in force shall also apply to cities in which the same is in force. 50 V. c. 33, s. 3. 30 35 40 45

Payment of expenses of license district where C. T. Act is in force in part only of district.

149. In any license district in which the second part of *The Canada Temperance Act* is in force and the license district in addition to other portions of the county, embraces a city or town withdrawn from the county for municipal purposes wherein the said Act is not in force, the license fund of such city or town withdrawn from the county for municipal purposes, shall be kept as a separate license fund for such city or town; and such city or town shall pay a just share of the expenses of such license district; and the same shall be determined by the board of license commissioners; and shall after approval by the Provincial Secretary be paid out of the license fund for such city or town; and in determining such share of expenses the board shall take into account with other circumstances, as far as may be, the proportion of the expenses incurred in said city or town. 41 V. c. 14, s. 7. 45 50 55

151. All sums received from duties on druggists' or shop  
 licenses and for wholesale licenses, issued in municipalities  
 in which the second part of *The Canada Temperance Act* is  
 in force, and any sum paid by a municipality for or on account  
 5 of such expenses, as aforesaid, or by the Province, shall form  
 the license fund of the city, county or license district respec-  
 tively in which the said second part of *The Canada Temperance*  
*Act* shall be in force, and shall be applied under regula-  
 10 tions of the Lieutenant-Governor in Council, towards pay-  
 ment of the salary and expenses of the inspector, and for the  
 expenses of the office of the board of license commissioners  
 and of officers, and otherwise in carrying the provisions of  
 the second part of *The Canada Temperance Act* into effect,  
 and the residue (if any) on the 30th day of June in each year,  
 15 and at such other times as may be prescribed by the regula-  
 tions of the Lieutenant-Governor in Council, may be applied  
 on account of the expenses of the succeeding year. 44 V. c. 27,  
 s. 16.

Application of  
 duties for  
 licenses under  
 preceding  
 sections.

2. Section 152 of the said Act is hereby amended by adding  
 20 thereto the following sub-section:

Rev. Stat. c.  
 194, s. 152,  
 amended.

(3) When a license district is formed of part of a county in  
 which the second part of *The Canada Temperance Act* is in  
 force, or of part of two counties in which the second part of  
 the said Act is in force, or of part of a county in which the  
 25 same is in force and of a county or part of a county in which  
 it is not in force, the commissioners for the district shall esti-  
 mate the amount of the expenses for the license year required  
 for any such district or portion of district in which the second  
 part of the said Act is in force as aforesaid, and after approval  
 30 thereof by the Provincial Secretary and the service of a copy  
 or a duplicate thereof and of a notice in writing requesting  
 payment of the same, upon the clerk of the municipality, the  
 amount so estimated and approved shall become due and pay-  
 able into the license fund by the county at the time or times  
 30 and in the same manner as is provided for payment of the  
 amount of the estimates in other cases, and the same may be  
 recovered by the board of commissioners for the license district  
 as in other cases.

3.—(1) Should the fines and penalties imposed under or by  
 40 virtue of the said *Temperance Act of 1864*, or the by-law  
 bringing the same in force, or the said *Canada Temperance Act*,  
 and which shall be collected or recovered be insufficient to meet  
 the expenses aforesaid after the payment of the salary and  
 travelling expenses of any police magistrate appointed under  
 45 the Act passed in the 48th year of Her Majesty's Reign,  
 chapter 17 and the Act passed in the 50th year of Her Majesty's  
 Reign, chapter 11, or either of them, or under chapter 72 of  
 the Revised Statutes, 1887, the Treasurer of the Province  
 may pay into the license fund, out of the consolidated revenue,  
 50 a sum not exceeding one-third of the amount which the muni-  
 cipality shall be required to pay for or on account of such  
 expenses, as aforesaid, over and above the fines collected or  
 recovered.

Payment of  
 portion of  
 expenses out  
 of consolidated  
 revenue.

(2) The treasurer of the county or other municipality to  
 55 which the fines are payable shall keep a separate account of  
 the fines received, and also, of the amount paid or contributed

by the municipality towards the expenses of enforcing the Act, and the payment of the salary and expenses of any police magistrate appointed under and by virtue of any of the Acts in this section hereinbefore mentioned; and the Province shall not be called upon to pay any proportion of the expenses so long as there is a balance at the credit of the said account. 5

Pending proceedings not affected.

4. Nothing in this Act contained shall invalidate any estimate, approval thereof, or demand of payment, which shall have been made before the passing hereof, but the amount demanded shall be paid over by the municipality, and payment thereof may be enforced as though this Act had not passed; nor shall anything in this Act contained affect any action or suit or other legal proceedings now pending but the same may proceed as though this Act had not been passed. 10

Act to be read with Rev. Stat. c. 194.

5. This Act shall be read with and as part of the said *Liquor License Act*. 15



2nd Session, 6th Legislature, 51 Vic. 1888.

BILL.

An Act relating to the payment of the expenses of the Enforcement of the Canada Temperance Act.

First Reading, 23rd February, 1888.

Mr. HARDY.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act relating to the payment of the expenses of the Enforcement of the Canada Temperance Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sections 142, 148, 149 and 151 of *The Liquor License Act*,  
5 are hereby repealed and the following sections substituted therefor:—

Rev. Stat. c. 194, ss. 142, 148, 149 and 151 repealed.

142. The Lieutenant-Governor in Council may, notwithstanding that any such by-law affects the whole or part of any county, or that the second part of *The Canada Temperance*  
10 *Act* is in force in the whole or part of any county, nominate a board of license commissioners of the number, and for the period mentioned in section 3 of this Act, and also an inspector; and the said board and inspector shall have, discharge and exercise all such powers and duties respectively for preventing  
15 the sale, traffic or disposal of liquor contrary to the said Acts or this Act as they respectively have or should perform under this Act. R. S. O. 1877. c. 181, s. 105.

Commissioners and inspectors may be appointed where Temperance Acts in force.

148.—(1) The expenses of carrying into effect such of the provisions of this Act, or of the Acts or by-law hereinafter  
20 mentioned, as may be in force in municipalities where a by-law prohibiting the sale of intoxicating liquors under *The Temperance Act of 1864*, or where the second part of *The Canada Temperance Act* is in force, except as is hereinafter  
25 by this Act provided, shall be borne and paid by the county within which any by-law for prohibiting the sale of liquor under *The Temperance Act of 1864*, or within which the second part of *The Canada Temperance Act* is in force; and where the by-law is that of a minor municipality, such expenses shall be paid by the minor municipality. 41 V. c. 14,  
30 s. 6 (1); 44 V. c. 27, s. 11.

Expense of enforcing this Act in municipalities under the Temperance Acts, how borne.

(2) The expenses payable under this section by a county, or by a minor municipality, shall be by them paid into the bank in which the license fund is kept to the credit of the license fund account for the license district, and shall become due and pay-  
35 able within one month after an estimate of the amount of the expenses for the current license year shall be made by the board of license commissioners for the license district, and approved by the Provincial Secretary (which approval shall be final and conclusive) and after a copy or duplicate of  
40 such estimate and approval, together with a notice in writing by the board of license commissioners requesting payment of the amount payable by the municipality, shall be served upon the clerk of the county, or minor municipality, or on such days

Proportion payable by the Province or Municipality, how and when to be paid.

and times as by the said request or notice are named for that purpose; and should any estimate prove insufficient for the payment of the expenses of the license year any deficiency may be provided for in the estimate for the succeeding year; and should any sums remain unexpended in any year, the same may be applied on account of the expenses of the succeeding year. 5

Payment of proportion, how enforced.

(3) Payment may be enforced against any county, or minor municipality, by the board of license commissioners in any court of competent jurisdiction in the name and by the title of "The Board of License Commissioners for the License District of \_\_\_\_\_," and it shall not be necessary to mention or include the names of the license commissioners in the proceedings; and the said action or proceedings may be carried on in the name of such board as fully and effectually as though such board were incorporated under the afore-said name or title. In the event of the death or resignation of any of the license commissioners, or of the expiry of their commission and of the re-appointment of the same, or of the appointment of other license commissioners, the proceedings, or action, shall not cease, abate or determine, but shall proceed as though no change had been made in the commission or license commissioners, and in the event of said board being condemned in costs, the same may be payable out of the license fund. 41 V. c. 14, s. 6 (2-3); 48 V. c. 43, s. 8, *part*. 10 15 20 25

Minor Municipality, meaning of.

(4) The words "Minor Municipality" in this section shall be held to mean any municipality, other than a county or union of counties. 41 V. c. 14, s. 11.

Expenses of enforcing C. T. Act in cities.

(5) In cities which are separate license districts in which the second part of *The Canada Temperance Act* is in force the expenses of enforcing or carrying into effect the provisions of the said Act shall be borne by the city, as in the case of counties in which the said second part of the said Act is in force, and such expenses of the city shall be estimated and ascertained, and become due and payable, and payment may be enforced against the city in the same manner or under like circumstances as are provided in the case of county municipalities, and all of the provisions of this Act having reference to the said expenses and the mode of ascertaining, fixing and collecting the same, which are applicable to counties in which the said second part of *The Canada Temperance Act* is in force shall also apply to cities in which the same is in force, 50 V. c. 33, s. 3. 30 35 40 45

Payment of expenses of license district where C. T. Act is in force in part only of district.

149. In any license district in which the second part of *The Canada Temperance Act* is in force and the license district, in addition to other portions of the county, embraces a city or town withdrawn from the county for municipal purposes wherein the said Act is not in force, the license fund of such city or town withdrawn from the county for municipal purposes, shall be kept as a separate license fund for such city or town; and such city or town shall pay a just share of the expenses of such license district; and the same shall be determined by the board of license commissioners; and shall after approval by the Provincial Secretary be paid out of the license fund for such city or town; and in determining such share of expenses the board shall take into account with other circumstances, as far as may be, the proportion of the expenses incurred in said city or town. 41 V. c. 14, s. 7. 45 50 55



151. All sums received from duties on druggists' or shop licenses and for wholesale licenses, issued in municipalities in which the second part of *The Canada Temperance Act* is in force, and any sum paid by a municipality for or on account of such expenses, as aforesaid, or by the Province, shall form the license fund of the city, county or license district respectively in which the said second part of *The Canada Temperance Act* shall be in force, and shall be applied under regulations of the Lieutenant-Governor in Council, towards payment of the salary and expenses of the inspector, and for the expenses of the office of the board of license commissioners and of officers, and otherwise in carrying the provisions of the second part of *The Canada Temperance Act* into effect, and the residue (if any) on the 30th day of June in each year, and at such other times as may be prescribed by the regulations of the Lieutenant-Governor in Council, may be applied on account of the expenses of the succeeding year. 44 V. c. 27, s. 16.

Application of duties for licenses under preceding sections.

2. Section 152 of the said Act is hereby amended by adding thereto the following sub-section:

Rev. Stat. c. 194, s. 152, amended.

(3) When a license district is formed of part of a county in which the second part of *The Canada Temperance Act* is in force, or of part of two counties in which the second part of the said Act is in force, or of part of a county in which the same is in force and of a county or part of a county in which it is not in force, the commissioners for the district shall estimate the amount of the expenses for the license year required for any such district or portion of district in which the second part of the said Act is in force as aforesaid, and after approval thereof by the Provincial Secretary and the service of a copy or a duplicate thereof and of a notice in writing requesting payment of the same, upon the clerk of the municipality, the amount so estimated and approved shall become due and payable into the license fund by the county at the time or times and in the same manner as is provided for payment of the amount of the estimates in other cases, and the same may be recovered by the board of commissioners for the license district as in other cases.

(4) Where a county has not paid an estimate made before the passing of this Act in respect of any part of a county which forms part of a license district, and which estimate has been approved and where a duplicate or copy thereof has been served as in this section mentioned, the Board of Commissioners for the license district of which said part of a county forms part may recover the amount of such estimate from the county as in other cases.

3.—(1) Should the fines and penalties imposed under or by virtue of the said *Temperance Act of 1864*, or the by-law bringing the same in force, or the said *Canada Temperance Act*, and which shall be collected or recovered be insufficient to meet the expenses aforesaid after the payment of the salary and travelling expenses of any police magistrate appointed under the Act passed in the 48th year of Her Majesty's Reign, chapter 17 and the Act passed in the 50th year of Her Majesty's Reign, chapter 11, or either of them, or under chapter 72 of the Revised Statutes, 1887, the Treasurer of the Province

Payment of portion of expenses out of consolidated revenue.

may pay into the license fund, out of the consolidated revenue, a sum not exceeding one-third of the amount which the municipality shall be required to pay for or on account of such expenses, as aforesaid, over and above the fines collected or recovered. 5

(2) The treasurer of the county or other municipality to which the fines are payable shall keep a separate account of the fines received, and also, of the amount paid or contributed by the municipality towards the expenses of enforcing the Act, and the payment of the salary and expenses of any police 10 magistrate appointed under and by virtue of any of the Acts in this section hereinbefore mentioned; and the Province shall not be called upon to pay any proportion of the expenses so long as there is a balance at the credit of the said account.

Pending proceedings not affected.

4. Nothing in this Act contained shall invalidate any 15 estimate, approval thereof, or demand of payment, which shall have been made before the passing hereof, but the amount demanded shall be paid over by the municipality, and payment thereof may be enforced as though this Act had not 20 passed; nor shall anything in this Act contained affect any action or suit or other legal proceedings now pending but the same may proceed as though this Act had not been passed.

Act to be read with Rev. Stat. c. 194.

5. This Act shall be read with and as part of the said *Liquor License Act*.



2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act relating to the payment of the expenses of the Enforcement of the Canada Temperance Act.

*Reprinted as amended by Committee of  
Whole House.*

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First Reading, 23rd February, 1888.  
Second " 8th March, 1888.

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Mr. HARDY.

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TORONTO :  
PRINTED BY WARRICK & SONS, 26 AND 28 FRONT ST. W.

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No. 119.]

**BILL.**

[1888.

An Act to amend the law respecting the Salaries and Expenses of Police Magistrates.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 10 of *The Act Respecting Police Magistrates*, Rev. Stat. c. 72, s. 10, is amended by adding thereto the following sub-section: amended.

(5) Towns, not separated from counties, having salaried Police Magistrates, shall not be chargeable with any portion of the salary and expenses paid to Police Magistrates by the counties, and no part of such salary and expenses shall be  
10 collected from such town.

BILL.

An Act to amend the law respecting the salaries and expenses of Police Magistrates.

First Reading, 23rd February, 1888.

MR. HARDY.

TORONTO:

PRINTED BY WARWICK & SOSS, 26 AND 28 FRONT ST. W.

## An Act to amend the Voters' Lists Act.

**W**HEREAS many cities and towns separated from their respective counties have passed by-laws under section 52 of *The Assessment Act* for correcting and revising their assessment rolls during the year preceding that in which such assessment rolls are to be used as the basis of taxation; and whereas in such cases the revision of the lists of persons entitled to vote at municipal elections is usually held early in the spring, and the list so revised and corrected is the only list which, under the present law, can be used at the municipal elections in the month of January next following such revision; and whereas, owing to the length of the interval which thus elapses between the revision of the voters' lists for municipal elections and the holding of such elections, many persons who have in the meantime acquired property and are qualified to vote at such elections are deprived of their franchise, and it is expedient to amend the law so that this injustice should be obviated;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** On or before the first day of October, in any year, any person who since the final revision and correction of the assessment roll for any city or separated town has become entitled to be assessed or to have his name entered upon such assessment roll, or upon the voters list to be based thereon, may by himself or his agent give notice to the clerk of the municipality or leave for him at his residence or place of business a notice (Form 5 or 6 to *The Voters Lists Act*) of his intention to apply to the judge in respect thereof, and if the office of clerk is vacant by reason of death, resignation, or from any other cause, such notice may be given in like manner to the head of the council of such municipality.

Notice of application to be placed on voters lists.

**2.** The clerk (or head of the municipality) shall forthwith after the first day of October in each year, perform the same duties with respect to such notices as in the case of appeals from the court of revision.

Duties of clerk.

**3.** The said judge shall, between the first day of October and the first day of December, in each year, hold a court for the revision of voters lists in each municipality wherein any such notices shall have been given, and the judge and clerk and other officers of the said municipality shall perform the same duties and exercise the same powers with regard to all such appeals, as are given and prescribed for them respectively with regard to the appeals mentioned in *The Voters Lists Act*.

Courts for revision of lists.

Evidence.

**4.** At any such court, evidence by affidavit or statutory declaration may, in the discretion of the judge, be received by him in support of any such appeal.

List to be amended.

**5.** At each such court the judge shall amend, or cause to be amended, the voters' list for the municipality by inserting therein the name of any appellant who (if the first day of October next preceding such court had been the last day for appealing to the Court of Revision) would then have been entitled, upon appealing to the said court, to be placed upon the assessment roll of the municipality, and upon any voters' list to be based thereon; and by striking off the said list the name of any person who did not, on the first said day of October, possess the necessary qualification to entitle him to be placed on the said voters' list, and shall certify the said list as so amended, and thereupon such amended list shall be and become the voters' list for the municipality.

Certain sections of Rev. Stat., c. 8, incorporated.

**6.** Sections 11, 12, 14, 18 to 25 (inclusive), 27, 28, 30, 31, 33 to 38 (inclusive), and 47 of "*The Voters' Lists Act*," shall apply to proceedings under this Act as if incorporated therein.





2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to amend the Voters Lists Act.

First Reading, 24th February, 1888.

MR. GIBSON,  
(*Hamilton.*)

TORONTO:

PRINTED BY WARRICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to amend the Act respecting Innkeepers.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 2 of section 2 of *The Act respecting Innkeepers* is hereby repealed and the following substituted therefor:—

Rev. Stat. c. 154, s. 2 (2), repealed.

(2) *Every* innkeeper, boarding-house keeper, lodging-house keeper or livery-stable keeper, shall have a lien upon a horse or other animal for the price or value of any food or accommodation supplied to such animal, or for care or labour bestowed thereon, and shall, in addition to all other remedies provided by law, have the right, in case any part of such price or value remains unpaid for the space of two weeks, to sell by public auction such horse or other animal on giving two weeks' notice by advertisement in a newspaper published in the municipality in which the inn, boarding-house, lodging-house, or livery-stable is situate, or in case there is no newspaper published in the municipality, in a newspaper published nearest to such inn, boarding-house, lodging-house, or livery-stable, of the intended sale, stating (if known) the name of the person or persons who brought such horse or other animal to the inn, boarding-house, lodging-house or livery stable, the amount of the indebtedness, a description of the horse or other animal, and the name of the auctioneer; and after the sale the innkeeper, boarding-house keeper, lodging-house keeper or livery-stable keeper may apply the proceeds thereof in payment of the amount due to him in respect of food or accommodation supplied, or care or labour bestowed as aforesaid, and the costs of such advertisement and sale, and shall pay over the surplus, if any, to the person entitled thereto on application being made by him therefor.

Lien on horses, etc., and power to sell.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to amend the Act respecting Inn-keepers.

First Reading, 24th February, 1888.

MR. GIBSON,  
(*Hamilton.*)

TORONTO:

PRINTED BY WARWICK & SONS, 36 AND 28 FRONT ST. W

## An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-sections 21, 23, 24 and 25 of section 7 of *The Assessment Act* are hereby repealed, and the following inserted in lieu thereof :—

Rev. Stat. c.  
193, s. 7, sub-  
ss. 23-25  
repealed.

The annual income of any person, whether derived from his personal earnings or otherwise, and of all wage earners whose names appear on the assessment rolls as such provided the same does not exceed \$700.

Exemption  
of incomes.

2. Section 10 of the said Act is amended by adding thereto the following words " all personal property to be assessed in the municipality where found, and no reduction to be made therefrom on account of any part of the purchase money remaining unpaid, or other liability affecting the same."

Rev. Stat. c.  
193, s. 10  
amended.

3. Section 170 of the said Act is amended by adding the following sub-sections thereto :—

Rev. Stat. c.  
193, s. 170  
amended.

(4) Any lands acquired by a municipality, under authority of the last preceding sub-section, shall within three years at farthest, be offered for sale by public auction, after notice of such sale with a description thereof has been inserted for at least four successive weeks in a newspaper published within the municipality, but in case no newspaper be published in the municipality, then in such other paper published in the county as the council may direct, stating the time and place where such sale will take place.

(5) In case any lands cannot be sold for a sum sufficient to pay the arrears of taxes and costs of sale by auction, the council may by by-law authorize the sale thereof by private contract or tender, at such price as they may deem reasonable.

4. The mayor or reeve for the time being shall be competent to execute a deed to the purchaser of lands sold under the last two preceding sub-sections, and such deed shall be countersigned by the treasurer of the municipality, and attested by affixing the corporate seal thereto, and shall be registered in the same manner as other deeds of land sold for taxes.

Execution of  
deeds.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to amend the Assessment Act.

First Reading, 27th February, 1888.

MR. FELL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to amend the Act respecting the Office  
of Sheriff.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. The sheriff of the county of York shall have no jurisdiction within the city of Toronto, save as provided by *The Act respecting the Office of Sheriff*, or this Act. Jurisdiction of sheriff of York in city of Toronto.
2. The sheriff of the county of York shall perform the duties pertaining to the office of sheriff with reference to the following courts held in the city of Toronto, that is to say the Chancery Division of the High Court of Justice, the County Court of the county of York, the General Sessions of the Peace, and the County Judge's Criminal Court; and the sheriff of the city of Toronto shall perform the duties pertaining to the office of sheriff with reference to the Court of Appeal, the Queen's Bench Division of the High Court of Justice, the Court of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, or the High Court sitting in Toronto elsewhere than at Osgoode Hall. Division of duties, with reference to courts, between sheriffs of York and Toronto.
3. Precepts and writs of *venire facias juratores* shall be directed to the sheriff to whom is assigned as aforesaid the court for which the jurors are to be summoned, and the sheriff (whether of Toronto or of York), to whom any precept to summon jurors for the sittings of any court in Toronto or any writ of *venire facias juratores*, or any like writ is addressed, shall summon the jurors necessary for such court, and make all proclamations, and give all notices, not only from and in his own bailiwick, but also from and in the bailiwick of the other of the said sheriffs, and for these purposes the said sheriffs have equal power and authority in each other's bailiwick. Summoning of jurors.
4. The sheriff of the County of York shall in respect of courts assigned to him be entitled to any fees or allowances which by statute or otherwise may be payable to sheriffs in respect of services connected with said courts, including the removal to the Provincial Penitentiary or the Reformatory prison of any prisoners from time to time sentenced thereto respectively by any of the said courts; and the sheriff of the city of Toronto shall, in like manner, be entitled, in respect of the courts hereinbefore assigned to him, to the like fees and allowances for services connected with the several said courts. Fees and allowances in respect of services connected with courts.

Control of  
gaol.

5. So long as there is but one gaol for the city of Toronto and the county of York, most of the prisoners therein being city prisoners, the sheriff of the city shall have the control of the gaol.

Fees of sheriff  
of York in  
respect of per-  
sons commit-  
ted to gaol.

6. The sheriff of the county of York shall be entitled to the fees payable to sheriffs for services relating to any prisoners or lunatics committed from the county of York outside the city of Toronto, who may be from time to time confined in said gaol or relating to any returns required to be made to the inspector of prisons and public charities in respect of any such prisoners. 5 10

Fees of sheriff  
of Toronto in  
respect of per-  
sons commit-  
ted to gaol.

7. The sheriff of Toronto shall be entitled to the fees and allowances payable to sheriffs for services relating to the custody or control of the gaol, or of any city prisoners or lunatics therein confined, or to any returns required to be made in respect of the said gaol, or of any prisoners or lunatics confined therein, except as herein otherwise provided. 15

Construction  
of Rev. Stat.  
c. 16, s. 1.

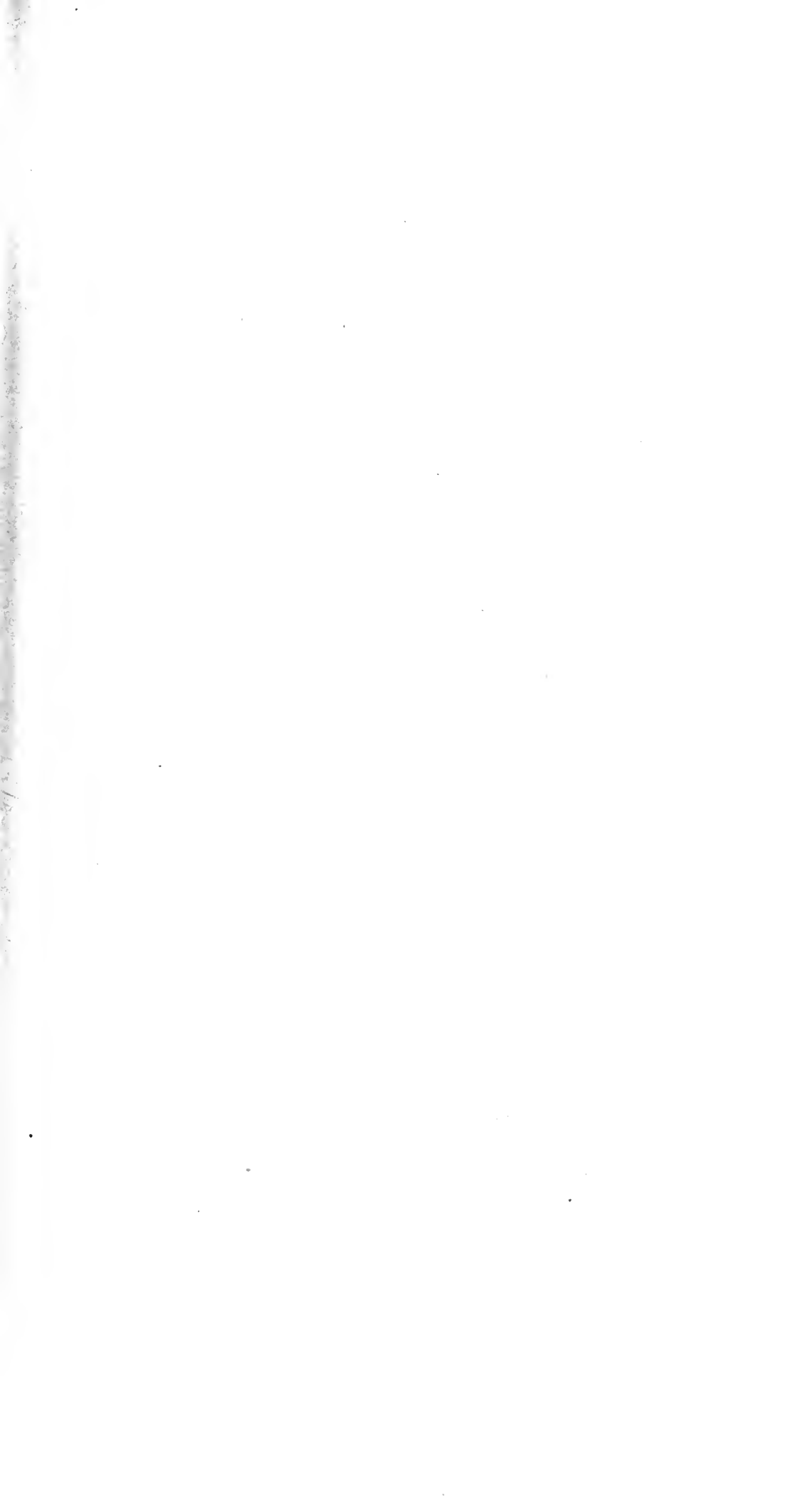
8. The words "subsequent or supplemental writ" in section 1 of *The Act respecting the Office of Sheriff* shall not be construed to include an alias or pluries writ; and every alias or pluries writ shall be directed to the sheriff within whose bailiwick are situate the goods or lands sought to be affected thereby. 20

Provision as  
to executions,  
if further  
territory add-  
ed to city of  
Toronto.

9.—(1) In case any further portion of the county of York is at any time annexed to the city of Toronto, the sheriff of the county of York (or his deputy for the time being, in case the office of sheriff is vacant) is forthwith to transmit to the sheriff of Toronto a list of all executions then in his hands not theretofore so transmitted, and shall in like manner transmit to the sheriff of Toronto notice of the renewal of any such writ and of any subsequent or supplemental writ in the same cause. 25 30

(2) If the sheriff of Toronto, upon a search being made in his office for executions against any person, finds that there is no execution in his office against such person, but that the name of such person is included in any list so transmitted to him by the sheriff of York, he shall, upon request, give a certificate that there is no execution in his office against the person aforesaid, and for this certificate no fee shall, in such cases, be charged or payable. 35





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2nd Session, 6th Legislature, 51 Vic, 1888

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BILL.

An Act to amend the Act respecting the  
Office of Sheriff.

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First Reading, 27th February, 1888.

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MR. HARDY.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act respecting the Office  
of Sheriff.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. The sheriff of the county of York shall have no jurisdiction within the city of Toronto, save as provided by *The Act respecting the Office of Sheriff*, or this Act. Jurisdiction of sheriff of York in city of Toronto.
2. The sheriff of the county of York shall perform the duties pertaining to the office of sheriff with reference to the following courts held in the city of Toronto, that is to say the Chancery Division of the High Court of Justice, the County Court of the county of York, the General Sessions of the Peace, and the County Judge's Criminal Court; and the sheriff of the city of Toronto shall perform the duties pertaining to the office of sheriff with reference to the Court of Appeal, the Queen's Bench Division of the High Court of Justice, the Court of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, or the High Court sitting in Toronto elsewhere than at Osgoode Hall. Division of duties, with reference to courts, between sheriffs of York and Toronto.
3. Precepts and writs of *venire facias juratores* shall be directed to the sheriff to whom is assigned as aforesaid the court for which the jurors are to be summoned, and the sheriff (whether of Toronto or of York), to whom any precept to summon jurors for the sittings of any court in Toronto or any writ of *venire facias juratores*, or any like writ is addressed, shall summon the jurors necessary for such court, and make all proclamations, and give all notices, not only from and in his own bailiwick, but also from and in the bailiwick of the other of the said sheriffs, and for these purposes the said sheriffs have equal power and authority in each other's bailiwick. Summoning of jurors.
4. The sheriff of the County of York shall in respect of courts assigned to him be entitled to any fees or allowances which by statute or otherwise may be payable to sheriffs in respect of services connected with said courts, including the removal to the Provincial Penitentiary or the Reformatory prison of any prisoners from time to time sentenced thereto respectively by any of the said courts; and the sheriff of the city of Toronto shall, in like manner, be entitled, in respect of the courts hereinbefore assigned to him, to the like fees and allowances for services connected with the several said courts. Fees and allowances in respect of services connected with courts.

Control of  
gaol.

5. So long as there is but one gaol for the city of Toronto and the county of York, the sheriff of the city shall have the control of the gaol.

Fees of sheriff  
of York in  
respect of per-  
sons commit-  
ed to gaol.

6. The sheriff of the county of York shall be entitled to the fees payable to sheriffs for services relating to any prisoners or lunatics committed from the county of York outside the city of Toronto, who may be from time to time confined in said gaol or relating to any returns required to be made to the inspector of prisons and public charities in respect of any such prisoners. 5 10

Fees of sheriff  
of Toronto in  
respect of per-  
sons commit-  
ed to gaol.

7. The sheriff of Toronto shall be entitled to the fees and allowances payable to sheriffs for services relating to the custody or control of the gaol, or of any city prisoners or lunatics therein confined, or to any returns required to be made in respect of the said gaol, or of any prisoners or lunatics confined therein, except as herein otherwise provided. 15

Provision as  
to executions,  
if further  
territory add-  
ed to city of  
Toronto.

8.—(1) In case any further portion of the county of York is at any time annexed to the city of Toronto, the sheriff of the county of York (or his deputy for the time being, in case the office of sheriff is vacant) is forthwith to transmit to the sheriff of Toronto a list of all executions then in his hands not theretofore so transmitted, and shall in like manner transmit to the sheriff of Toronto notice of the renewal of any such writ and of any subsequent or supplemental writ in the same cause. 20


(2) If the sheriff of Toronto, upon a search being made in his office for executions against any person, finds that there is no execution in his office against such person, but that the name of such person is included in any list so transmitted to him by the sheriff of York, he shall, upon request, give a certificate that there is no execution in his office against the person aforesaid, and for this certificate no fee shall, in such cases, be charged or payable. 25 30

Execution of  
writs in city  
of Toronto.

9. Nothing in section 1 of *The Act respecting the Office of Sheriff*, or in this Act contained, shall be held to authorize the sheriff of the county of York to execute within the city of Toronto any writ not in his hands at the time of the passing of this Act, unless such writ depends for its priority upon a former writ executed by the sheriff of York or in his hands at the said time. (*Dufferin Act*, 44 V., c. 9, s. 10.) 35

How writs  
against lands  
in the city of  
Toronto may  
be continued  
in force.

10. No unsatisfied writ against lands or goods in the hands of the sheriff of York on the day of the appointment of the sheriff of the city of Toronto or any renewal thereof shall bind lands or goods situate within the limits of the city of Toronto, or have any effect upon such lands or goods after six months from the passing of this Act, unless the person entitled to the benefit of such unsatisfied writ, before the expiration of the said six months shall have placed a writ against lands or goods (as the case may require) in the hands of the sheriff of the said city, indorsed with a notice that priority is claimed by virtue of this Act, in which case his writ in the hands of the sheriff of the county of York, if it, at the said time, did bind lands or goods within the territory included in the said city, shall continue to bind such lands or goods and 40 45 50

shall retain its priority so long as such indorsed writ remains in force ; provided such person shall not in the meantime have permitted his writ in the hands of the sheriff of the county of York to expire, or have otherwise lost his priority. (Dufferin 5 Act, 44 V., c. 9, s. 9.) 

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2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL.

An Act to amend the Act respecting the  
Office of Sheriff.

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First Reading, 27th February, 1888.  
Second " 8th March, 1888.

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Mr. HARDY.

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TORONTO,

PRINTED BY WARWICK & SON, 26 & 28 FRONT ST. W.

An Act to regulate the width of sleighs to be used on  
Public Highways.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. The council of any county may pass a by-law providing  
5 that no sled, sleigh, or other vehicle upon runners (except  
cutters or pleasure sleighs) drawn by horses or other animals,  
shall be used for the conveyance of persons, or goods, on any  
of the roads or highways within the county, unless the runners  
thereof shall be apart from each other at the bottom, at least,  
10 three feet, nine inches.

County council may pass  
by-law regulating the  
width of  
sleigh runners.

2. Any person violating the provisions of said by-law,  
shall, upon conviction thereof, before any Police Magistrate, or  
Justice of the Peace for the county, be liable to a fine of not  
less than \$1, nor more than \$5, and costs.

Penalty.

3. Such by-law shall not come into force until the expira-  
15 tion of one year from the time of the passing thereof, or such  
further time as the council may determine upon.

When by-law  
to come into  
force.

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2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL.

An Act to regulate the width of sleighs on  
Public Highways.

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First Reading, 28th February, 1888.

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Mr. BISHOP.



## An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 569 of *The Municipal Act* is amended by adding  
5 the following sub-section thereto: Rev. Stat. c. 184, s. 569, amended.

22. The council of any municipality may divide the same into as many drainage or sewerage districts as they may deem necessary for securing effectual drainage, and each of said districts may include one or more main or principal drains or  
10 sewers with all necessary branches and connections, lateral or local drains or sewers having outlets into a general main drain or sewer, conveying the water or sewerage to a proper outlet, and the said districts shall be independent of each other as far as practicable.

15 2. The said Act is also amended by adding the following section thereto as section 569a: Power to make drainage works without any petition for same.

569a.—(1) On the report of an engineer or other person appointed by the council, or of a sanitary officer, or on the report of a committee of the council recommending any of the said  
20 works, improvements or services mentioned in the preceding section, for sanitary or drainage purposes, the council may, without any petition therefor, make all necessary assessments, pass all necessary by-laws and execute such improvements, works or services as a local improvement in manner above  
25 provided.

(2) Before executing any such improvements, works or services the council shall cause a notice to be published in some local newspaper once a week for at least two weeks, setting forth the nature and extent of the proposed work and the  
30 amounts to be levied on each parcel of land as assessed therefor.

(3) Unless a petition against the proposed work, signed by a majority of the owners of the real property affected, representing at least half the value thereof, according to the last revised  
35 assessment roll of the municipality, shall have been presented to the council within six weeks from the first publication of the notice, the council may proceed with the work as if the same had been petitioned for.

(4) In the event of a petition, as aforesaid, against the proposed work being presented to the council, the said work shall  
40 not be proceeded with, and no subsequent notice for the same purpose shall be given for at least one year thereafter.

3. Sub-section 1 of section 612 of the said Act is hereby  
45 amended by striking out the word "immediately" wherever the same occurs in the said section. Rev. Stat. c. 184, s. 612 (1), amended.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL

An Act to amend the Municipal Act.

First Reading, 28th February, 1888.

MR. FELL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Section 89 of *The Assessment Act* is hereby amended by  
5 inserting the word "township" after the word "town" in the  
first line thereof. Rev. Stat. c.  
193, s. 89  
amended.
2. Section 94 of the said Act is hereby amended by adding Rev. Stat. c.  
193, s. 94  
amended.  
after the word "labour" in the third line of the said section,  
the words "for the whole or any part of such township."
- 10 3. Section 101 of the said Act is hereby amended by insert- Rev. Stat. c.  
193, s. 101  
amended.  
ing the word "September" instead of the word "August" in  
the seventh line thereof.

No. 126.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Assessment Act.

First Reading, 29th February, 1888.

Mr. GILMOUR.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

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No. 127.]

**BILL.**

[1888.

An Act to amend the Act for the Protection of Game  
and Fur-bearing Animals.

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Subsection 1 of section 1 of *The Act for the Protection of* Rev. Stat. c.  
221, s. 1 (1),  
amended.  
5 *Game and Fur-bearing Animals* is hereby amended by adding  
thereto the following words :—“ But no moose shall be hunted,  
taken, or killed before the fifteenth day of October, 1890.”

No. 127.

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2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL.

An Act to amend the Act for the Protection  
of Game and Fur-bearing Animals.

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First Reading, 29th February, 1888.

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MR. MCANDREW.

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TORONTO:  
PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 111 of *The Assessment Act* is amended by adding thereto, the words “and shall take the declaration of office before a justice of the peace, similar to that of a councillor in a municipal corporation.” Rev. Stat. c. 193, s. 111, amended.

2. Section 114 of the said Act is amended by adding thereto, the words “and each householder may be required each year to perform one day’s labour.” Rev. Stat. c. 193, s. 114, amended.

3. Section 114 aforesaid is further amended by adding thereto the following sub-sections:

(2) Persons over the age of twenty-one years and under fifty years of age, may be required to perform one day’s labour, if they have been residing twenty days in the place before being notified. Persons liable to statute labour.

(3) Any land owner, owning less than 100 acres, may be required to perform statute labour as the commissioners may direct. Liability of land owners to statute labour.

4. Section 115 of the said Act is amended by adding thereto the following words “the commissioners shall have the same powers as municipalities have in reference to statute labour, to appoint overseers and require returns to be made to them of the labour performed in their districts respectively.” Rev. Stat. c. 193, s. 115, amended.

5. Section 118 of the said Act is amended by adding thereto, the following words “and if there be no goods or chattels to be found, then the justice shall commit the person liable to pay the same to the common gaol of the county for a period of ten days, if the fine and costs are not sooner paid.” Rev. Stat. c. 193, s. 118, amended.

6. The said Act is further amended by adding thereto the following section as section 118a:

118a. The commissioners, when duly elected, shall serve during the term they are elected for or forfeit the sum of \$10, which may be sued for, together with costs, in any court having jurisdiction, by any three electors making the complaint. Penalty for neglect to serve as commissioners.

No. 126.

2nd Session, 6th Legislature, 51 Vic. 1888

BILL.

An Act to amend the Assessment Act.

First Reading, 29th February, 1888.

M. F. MARTER.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



## An Act to regulate the sale of Seed Grain.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. No person, corporation, firm or association shall, either as  
 5 vendor or as the agent for any other person, corporation, firm or  
 association, offer for sale or sell, either for cash or on credit, or  
 partly for cash and partly on credit, or obtain the signature of  
 any person to any bond, bill, receipt, promissory note, draft,  
 cheque, or any other evidence of indebtedness, as the whole or  
 10 part consideration for the sale or transfer of any grain, seed or  
 other cereals at a fictitious price, or at a price equal to or  
 more than three times the ordinary market price of such  
 grain, seed or other cereals at the time of such sale or  
 transfer.

Sale of seed-grain, etc., at more than three times the price of ordinary grain forbidden.

2. No person, corporation, firm or association shall obtain  
 or seek to obtain, either in his or their own behalf, or as the  
 agent or agents of any other person, corporation, firm or  
 association, the signature of any person, either as maker, en-  
 dorser, or guarantor, to any bond, bill, receipt, promissory  
 20 note, draft, cheque or agreement, to be given as the considera-  
 tion for the right to sell any grain, seed or other cereals at a  
 fictitious price, or at a price equal to or more than three times  
 the ordinary market price of such grain, seed or other cere  
 at the time at which such security is obtained or sought to be  
 25 obtained.

Sale by agents forbidden.

3. No person shall sell, assign or negotiate, or attempt to  
 sell, assign or negotiate, any security or agreement made or  
 obtained in violation of this Act, and any such security  
 assigned or transferred in contravention of this section shall,  
 30 except as against a *bona fide* holder for value, without notice  
 be deemed fraudulent and void, any agreement between the  
 parties thereto to the contrary notwithstanding.

Negotiation of instruments made in violation of Act prohibited.

4. Proof to the satisfaction of a court or jury that any  
 grain, seed or other cereals were sold or offered for sale at a  
 35 price equal to or exceeding three times the actual value of  
 ordinary grain or seed of the same class, shall be *prima facie*  
 evidence of an offence against the provisions of this Act.

Evidence of violation of Act.

5. Any person who violates any of the provisions of this  
 Act shall, on conviction thereof, be imprisoned in the county  
 40 gaol of the county in which such conviction took place for a  
 period not exceeding six months, with or without hard labour.

Penalty of imprisonment.

penalty.

6. Any person, corporation, firm or association violating any of the provisions of this Act, in addition to the penalty imposed by the preceding section, shall be liable to pay a sum of not less than \$500 and not more than \$1,000, to be recovered in any court of competent jurisdiction by any person who may sue therefor. 5



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2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL

An Act to regulate the sale of Seed Grain.

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First Reading, 1st March, 1888.

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MR. FREEMAN.

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TORONTO,

PRINTED BY WARWICK & SON, 26 & 28 FRONT ST. W.

An Act to provide for the incorporation of Cheese  
and Butter Manufacturing Associations.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1.—(1) At any time hereafter, any seven or more persons <sup>Mode of</sup> who desire to associate themselves together for the purpose of <sup>incorporation.</sup> manufacturing cheese or butter, may make, sign and acknowledge before a notary public, commissioner, or justice of the peace, in duplicate, and file in the office of the registrar of the registry division in which the business is to be carried on, a certificate in writing, in the form mentioned in the schedule to this Act, or to the same effect, together with the rules and regulations, signed by such persons respectively.

(2) The signatures to the rules shall be verified by the affidavit of a subscribing witness thereto, made before a notary public, justice of the peace, or commissioner authorized to take affidavits, or before the registrar or deputy-registrar.

(3) Upon the filing of the certificate and rules as aforesaid, the members of the association shall become a body corporate, by the name therein described, with the power to hold such lands as are required for the convenient management of their business.

(4) The registrar or deputy-registrar shall, if desired by the person filing the certificate, endorse on the other duplicate certificate and upon the duplicate of the rules, certificates of the other duplicates having been filed in his office, with the date of filing, and every such certificate shall be *prima facie* evidence of the facts stated therein and of the incorporation of the association.

(5) All rules made by the association may be repealed, altered or amended by other rules passed at a regular meeting called for that purpose, provided no such new rule shall have any force or effect until a copy, proved by the affidavit of the president or other head officer of the association to be a true copy of the rule or rules passed by the association at a meeting specially called for the purpose of considering the same, has been filed in the registry office in which the certificate of incorporation was filed.

2. No association shall be registered under a name identical with that by which any other existing association has been registered, or so nearly resembling such name as to be likely to deceive the public. <sup>Restriction as to name of company.</sup>

- Certificate to be registered in every division in which business carried on.**      **3.** Any certificate so to be filed may designate any one or more places where the business is to be carried on; but if in different registry divisions, a duplicate must be filed in the registry office of each division.
- Shares.**      **4.** A member of an association incorporated under this Act may have shares therein to an amount mentioned in the by-laws of the association. **5**
- Rules of association.**      **5.** Before an association commences operations under this Act, they shall agree upon and frame a set of rules for the regulation, government and management of the association, **10** which shall contain—(1) a mode of convening general and special meetings; (2) provisions for audit of accounts; (3) power and mode of withdrawal of members; (4) appointment of managers and other officers and their respective duties, and a provision for filling vacancies caused by death, resignation and **15** other causes.
- Rules to be binding on members.**      **6.** The rules of every association registered under this Act shall bind the association and members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto; and all moneys payable by any member to **20** the association, in pursuance of said rules, shall be deemed to be a debt due from such member of the association.
- Capital stock.**      **7.** The capital of the association shall be in shares of such denomination as mentioned in the rules.
- Mode of voting.**      **8.** All elections shall be by ballot, and each member shall **25** have one vote only.
- Power to hold real estate.**      **9.** Any association registered under this Act shall have power to purchase real estate for the purpose of occupation in carrying on the business thereof.
- Disputes to be referred to arbitration.**      **10.** Every dispute between members or between members **30** and the association established under this Act, or any person claiming through or under a member or under the rules of the association, and the directors, treasurer, or other officers thereof, shall be decided by arbitration in manner directed by the rules of the association, and the decision so made shall be **35** binding and conclusive on all parties without appeal.
- Liability of shareholders limited.**      **11.** The liability of the shareholders shall be limited, that is to say, no shareholder in such association shall be in any manner liable for or charged with the payment of any debt or demand due by the association beyond the amount of his share **40** or shares subscribed for, and any shareholder having fully paid up the amount of his said share or shares shall be absolved from all further liability.

## SCHEDULE.

(Section 1 (1).)

## FORM OF CERTIFICATE.

Province of Ontario, } We (*insert names of subscribers not less than ten*)  
 TO WIT : } do hereby certify that we desire to form a company  
 or association pursuant to the provisions of the Act to provide for the  
 incorporation of Cheese and Butter Manufacturing Associations.

The corporate name of the Association is to be (*insert name of the Association*), and the objects for which the Association is to be formed are (*insert objects for which the Association is formed*). The number of shares is to be unlimited and the capital is to consist of shares of (*insert amount of shares*) each, or of such other amount as shall, from time to time, be determined by the rules of the Association. The number of the Trustees who shall manage the affairs of the Association shall be (*insert the number of Trustees*), and the names of such Trustees are (*insert names of Trustees*), and the name of the place (*or places*) where the operations of the said Association are to be carried on is (*or are*) (*insert name of place or places where the operations of the said Association are to be carried on.*)

Dated the            day of

(Signatures.)

On the            day of            A.D. 18    , before me personally appeared (*insert names of subscribers to the certificate*) to me known to be the individuals described in the foregoing certificate and they severally before me signed the said certificate and acknowledged that they signed the same for the purposes therein mentioned.

A. B.,  
 Justice of the Peace,  
*or*  
 Commissioner for taking Affidavits,  
*or*  
 Notary Public.

No. 130.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to provide for the incorporation of  
Cheese and Butter Manufacturing Asso-  
ciations.

First Reading, 1st March, 1888.

Mr. WOOD,  
(*Hustings*.)

TORONTO:

PRINTED BY WARWICK & SONS, 36 AND 38 FRONT ST. W



An Act to provide for the incorporation of Cheese  
and Butter Manufacturing Associations.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1.—(1) At any time hereafter, any *five* or more persons <sup>Mode of</sup> who desire to associate themselves together for the purpose of <sup>incorporation.</sup> manufacturing cheese or butter, may make, sign and acknowledge before a notary public, commissioner, or justice of the peace, in duplicate, and file in the office of the registrar of the registry division in which the business is to be carried on, a  
10 certificate in writing, in the form mentioned in the schedule to this Act, or to the same effect, together with the rules and regulations, signed by such persons respectively.

(2) The signatures to the rules shall be verified by the affidavit of a subscribing witness thereto, made before a notary  
15 public, justice of the peace, or commissioner authorized to take affidavits, or before the registrar or deputy-registrar.

(3) Upon the filing of the certificate and rules as aforesaid, the members of the association shall become a body corporate, by the name therein described, with the power to hold such  
20 lands as are required for the convenient management of their business.

(4) The registrar or deputy-registrar shall, if desired by the person filing the certificate, endorse on the other duplicate certificate and upon the duplicate of the rules certificates of  
25 the other duplicates having been filed in his office, with the date of filing, and every such certificate shall be *prima facie* evidence of the facts stated therein and of the incorporation of the association.

(5) All rules made by the association may be repealed,  
30 altered or amended by other rules passed at a regular meeting called for that purpose, provided no such new rule shall have any force or effect until a copy, proved by the affidavit of the president or other head officer of the association to be a true copy of the rule or rules passed by the association at a meeting  
35 specially called for the purpose of considering the same, has been filed in the registry office in which the certificate of incorporation was filed.

(6) The association shall cause a book to be kept by the secretary, or by some other officer especially charged with that  
40 duty, wherein shall be kept,

- (a) A duplicate of the certificate and of the rules filed as aforesaid in the office of the registrar, so that persons becoming members of the association may sign the said certificate and rules.
- (b) Any person so desiring to become a member of, or a stockholder in the said association after incorporation as aforesaid, may sign the said certificate and rules in the said book and shall thereupon become such member, and he shall be entitled to the rights and privileges thereof, and shall become liable as such member as fully as though he had signed the certificate prior to the said incorporation of the association.
- 2.** No association shall be registered under a name identical with that by which any other existing association has been registered, or so nearly resembling such name as to be likely to deceive the public.
- 3.** Any certificate so to be filed may designate any one or more places where the business is to be carried on; but if in different registry divisions, a duplicate must be filed in the registry office of each division.
- 4.** A member of an association incorporated under this Act may have shares therein to an amount mentioned in the by-laws of the association ~~not~~ not to exceed \$1,000.
- 5.** Before an association commences operations under this Act, they shall agree upon and frame a set of rules for the regulation, government and management of the association, which shall contain—(1) a mode of convening general and special meetings; (2) provisions for audit of accounts; (3) power and mode of withdrawal of members; (4) appointment of managers and other officers and their respective duties, and a provision for filling vacancies caused by death, resignation and other causes.
- 6.** The rules of every association registered under this Act shall bind the association and members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto; and all moneys payable by any member to the association, in pursuance of said rules, shall be deemed to be a debt due from such member of the association.
- 7.** The capital of the association shall be in shares of such denomination as mentioned in the rules.
- 8.** The shares of the association shall be transferable subject to the consent and approval of the association.
- 9.** All elections shall be by ballot, and each member shall have one vote for each fully paid up share held by him.
- 10.** Every dispute between members or between members and the association established under this Act, or any person claiming through or under a member or under the rules of the

Restriction as to name of company.

Certificate to be registered in every division in which business carried on.

Shares.

Rules of association.

Rules to be binding on members.

Capital stock.

Transfer of shares.

Mode of voting.

Disputes to be referred to arbitration.

association, and the directors, treasurer, or other officers thereof, shall be decided by arbitration in manner directed by the rules of the association, and the decision so made shall be binding and conclusive on all parties without appeal.

- 5 **11.** The liability of the shareholders shall be limited, that is to say, no shareholder in such association shall be in any manner liable for or charged with the payment of any debt or demand due by the association beyond the amount of his share or shares subscribed for, and any shareholder having fully  
10 paid up the amount of his said share or shares shall be absolved from all further liability.

Liability of shareholders limited.

### SCHEDULE.

(Section 1 (1).)

#### FORM OF CERTIFICATE.

Province of Ontario, } We (*insert names of subscribers not less than five*)  
do hereby certify that we desire to form a company  
or association pursuant to the provisions of the "Act to provide for the  
incorporation of Cheese and Butter Manufacturing Associations."

The corporate name of the Association is to be (*insert name of the Association*), and the objects for which the Association is to be formed are (*insert objects for which the Association is formed*). The number of shares is to be unlimited and the capital is to consist of shares of (*insert amount of shares*) each, or of such other amount as shall, from time to time, be determined by the rules of the Association. The number of the trustees who shall manage the affairs of the Association shall be (*insert the number of trustees*), and the names of such trustees are (*insert names of trustees*), and the name of the place (*or places*) where the operations of the said Association are to be carried on is (*or are*) (*insert name of place or places where the operations of the said Association are to be carried on.*)

Dated the            day of .

(Signatures.)

On the            day of            A.D. 18    , before me personally appeared (*insert names of subscribers to the certificate*) to me known to be the individuals described in the foregoing certificate and they severally before me signed the said certificate and acknowledged that they signed the same for the purposes therein mentioned.

A. B.,  
Justice of the Peace,  
*or*  
Commissioner for taking Affidavits,  
*or*  
Notary Public.

No. 130.

2nd Session, 6th Legislature, 51 Vic., 1888.

**BILL**

An Act to provide for the incorporation of Cheese and Butter Manufacturing Associations.

*(Re-printed as amended by Select Committee.)*

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First Reading, 1st March, 1888.  
Second „ 9th „ 1888.

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Mr. Wood,  
(Hastings.)

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

## An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in *The Assessment Act*, it shall be lawful for the council of any municipality to pass a by-law or by-laws exempting from assessment for the purposes of such municipality, all incomes and personal property, or either, or personal property now liable to assessment under said Act, or requiring the assessors to make a separate assessment under section 14 of the said Act, of each parcel of land and of any building or buildings, or other improvements thereon, or exempting from assessment all such buildings and improvements; but no such by-law shall take effect until the same shall have received the assent of the electors of the municipality, in pursuance of the provisions of *The Municipal Act*.

Power to exempt personal property and buildings from assessment.

No. 191  
2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to amend the Assessment Act.

First Reading, 1st March, 1888.

Mr. GARSON.

TORONTO:  
PRINTED BY WARWICK & SOHN, 26 AND 28 FRONT ST. W.

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No. 132.]

**BILL.**

[1888.

An Act to amend the Act respecting Ditches and  
Watercourses.

**H**ER MAJESTY, by and with the advice and consent of the Rev. Stat. c.  
220, s. 11 (4),  
amended.  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Sub-section 4 of section 11 of *The Ditches and Water-*  
5 *courses Act* is amended by inserting after the word "judge" in  
the first line thereof the words "of the county in which the  
land of the appellant is situate."

No. 132.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to amend the Act respecting Ditches  
and Watercourses.

First Reading, 1st March, 1888.

C T.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



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No. 133.]

**BILL.**

[1888.

An Act to amend the Assessment Act.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 10 of Section 7 of *The Assessment Act*, is hereby amended, by inserting the following after the word "society," in the fourth line, "And all the lands and buildings of every company formed under the provisions of *The Act respecting Joint Stock Companies for the erection of Exhibition Buildings*, where the Council of the Corporation in which such lands and buildings are situated consents to such exemption." Rev. Stat. c. 193, s. 7 (10), amended.

No. 133.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL

An Act to amend the Assessment Act.

First Reading, 2nd March, 1888.

MP. DUBREY.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 73 of *The Municipal Act* is hereby amended by adding thereto the following sub-section :

Rev. Stat. c. 184, s. 73, amended.

(2) No person who has, or whose wife has, property duly rated on the last revised assessment roll, sufficient to qualify him as in the preceding sub-section required, shall be deemed to be disqualified by the alienation by sale or otherwise of the said property prior to the time of his election, provided that at the time of his election such person is resident within the municipality and has, or his wife has, as proprietor or tenant, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable estate of sufficient value to qualify him for election under the preceding sub-section.

When alienation of property rated not to disqualify.

2. Section 79 of the said Act is hereby amended by striking out all the words after the word "*Fourthly*" in the twenty-fourth line thereof, and substituting the following therefor :—

Rev. Stat. c. 184, s. 79, amended.

Every landholder's son who is resident at the time of the election in the municipality in which he tenders his vote, and has resided therein with and in the residence or dwelling of the landholder whose son he is and has been assisting his father in the prosecution of his father's occupation or calling for twelve months next prior to the return by the assessors of the assessment roll on which the voters' lists used at the election is based, and who has been duly entered and named in the said assessment roll as such landholder's son.

Landholder's sons may vote.

(2) If there are more sons than one so resident, and if the land on which they are resident is not rated and assessed at an amount sufficient, if equally divided between them, to give a qualification to vote to the father and all the sons, where the father is living, or to the sons alone where the father is dead and the mother is a widow, then the right to vote shall belong to and be the right only of the father and such of the eldest or elder of said sons to whom the amount at which the land is rated and assessed, will, when equally divided between them, give the qualification to vote.

When more than one son so resident.

(3) If the amount at which the land is so rated and assessed is insufficient, if equally divided between the father, if living, and one son, to give to each a qualification to vote, then the father shall be the only person entitled to vote in respect of such land.

Where father living and assessment not sufficient to qualify more than one.

(4) Occasional or temporary absence from such residence or dwelling for a time or times not exceeding in the whole six months of the twelve hereinbefore mentioned, shall not operate to disentitle a landholder's son to vote under this Act. The time spent by any such landholder's son as a mariner or fisherman, in assisting his father in the prosecution of his occupation, or as a student in any institution of learning situate within the Province of Ontario, shall be considered as spent at home, and as having, for the purposes of this Act, been spent and passed with and in the residence of and in assisting as aforesaid the landholder whose son he is. 5 10

"Landholder."

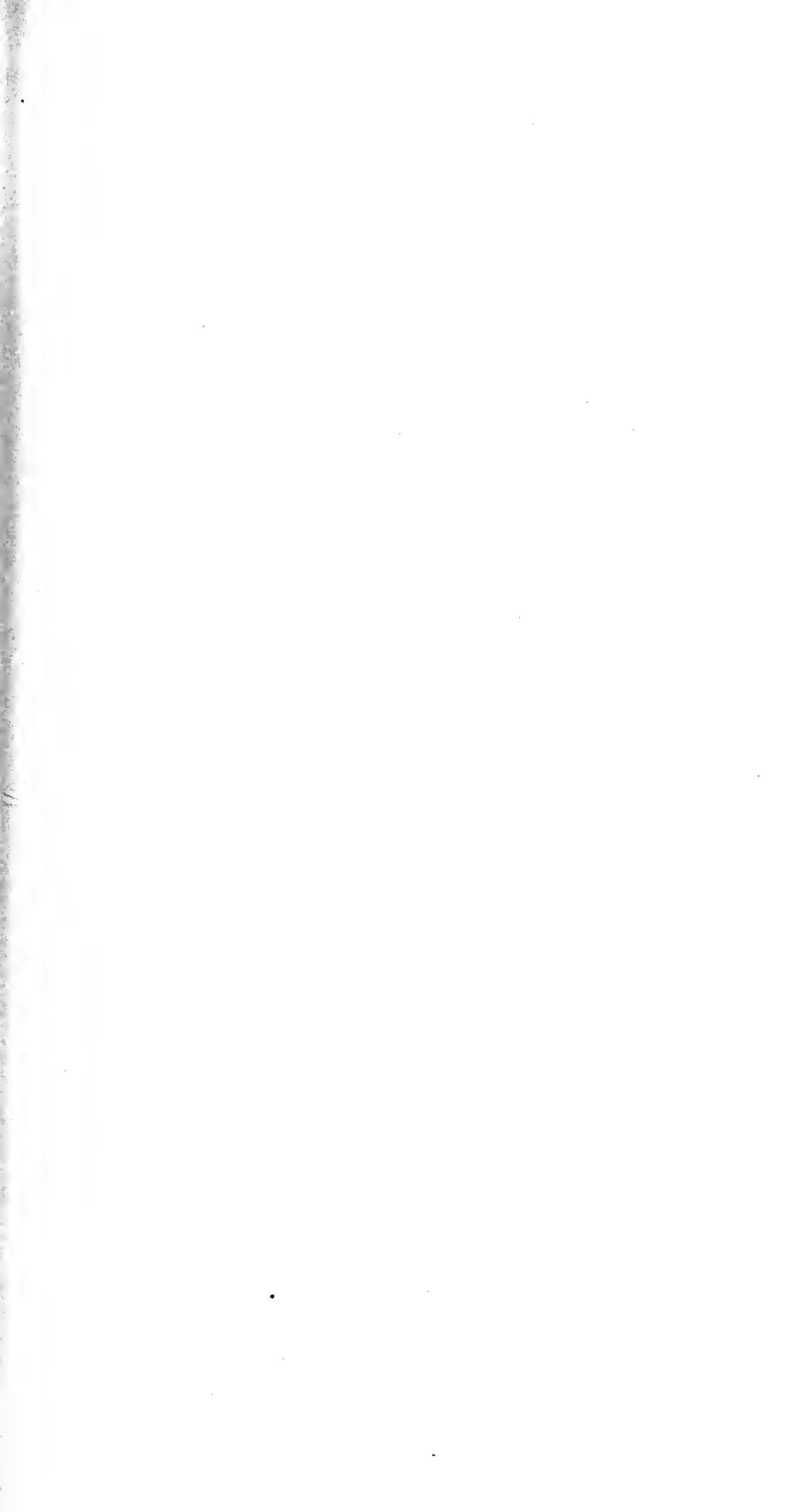
(5) In this section "Landholder" shall mean and include :—

(a) Any person who being the owner of and residing and domiciled upon real property of at least twenty acres in extent, or of at least an actual value in 15 cities of \$400, and in towns of \$300, and in townships and incorporated villages of \$200, is, in the last revised assessment roll of the municipality where such property is situate, entered and assessed as owner of said property of at least the number of 20 acres or the assessed value aforesaid ; and

(b) Any person actually residing and domiciled in any dwelling house as tenant thereof, where such dwelling house and the land, if any, held therewith by such person as such tenant is of at least an 25 actual value in cities of \$400, and in towns of \$300, and in townships and incorporated villages of \$200, and is at not less than such value entered and assessed in the name of such person in the last revised assessment roll of the municipality wherein 30 the same is situate.

"Landholder's son."

"Landholder's son" shall mean and include a son, stepson, grandson, or son-in-law, as the case may be, of any landholder.



No. 134.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Municipal Act.

First Reading, 2nd March, 1888.

Mr. SMITH.

TORONTO:

PRINTED BY WARWICK & SON, 26 AND 28 FRONT ST. W.

## An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 52 of *The Assessment Act* is hereby amended by 5 adding thereto, the following sub-section:—

Rev. Stat. c. 193, s. 52, amended.

(2) Or in cities, towns, and incorporated villages, the council may pass by-laws for taking the assessment between the 1st day of October and the 31st day of December, the rolls being returnable in such case to the municipal clerk on the second 10 day of January following, and in such case the time for closing the court of revision shall be the 15th day of February thereafter, and for final return by the judge of the County Court the 31st day of March thereafter, and such assessment shall be the lawful assessment for the year in which the same shall 15 be so concluded, notwithstanding the taking thereof was begun in the preceding year.

Time for taking assessment and revising roll.

2. Section 53 of the said Act is hereby amended by striking out of the same, all the words therein after the word "payable" in the tenth line thereof, and adding the following as a sub- 20 section to the said section 53:—

Rev. Stat. c. 193, s. 53, amended.

(2) The council may by by-law or by-laws impose an additional percentage charge not exceeding five per cent. on every tax or assessment, rent or rate, or instalment thereof, whether the same be payable in bulk or instalments, which 25 shall not be paid on the day appointed for the payment thereof, and in towns, villages, or townships, where no day shall have been appointed for payment, those which shall not have been paid on or before the 14th day of December in each year, there having been fourteen days previous demand as 30 hereinafter provided, and such additional percentage shall be added to such unpaid tax or assessment, rent or rate, or instalment thereof, and be collected by the collector or otherwise, as if the same had originally been imposed and formed part of such unpaid tax or assessment, rent or rate, or instalment thereof.

No. 135.

2nd Session, 6th Legislature, 51 Vic., 1888

BILL.

An Act to amend the Assessment Act.

First Reading, 2nd March, 1888.

MR. GUTHRIE

TORONTO,

PRINTED BY WARWICK & SONS, 25 & 28 FRONT ST. W



## An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 109 of *The Municipal Act* is amended by adding 5 thereto the following: “ And the hour for the nomination of candidates for the offices of aldermen in cities, and councillors in towns, may, in and by the by-law fixing the places for such nomination, be fixed at half-past seven o’clock in the evening, instead of at noon.” Rev. Stat. c. 184, s. 109, amended.
- 10 2. Sub-section 1, of section 522, of the said Act is amended 15 by adding thereto the following words: “ And if the council receiving such notice shall neglect the said duty, and by reason of such neglect any public road, street, bridge, or highway in either of the said townships shall be out of repair, the cor-  
poration in default, but not the corporation which served the notice, shall, besides being subject to any punishment or proceeding provided by law, be civilly responsible for all damages sustained by any person by reason of such want of repair; but the action must be brought within three months after the 20 damages have been sustained.” Rev. Stat. c. 184, s. 522 (1), amended.
3. Section 569 of the said Act is amended by adding the following sub-section after sub-section 7 of said section 569, viz., “(a) The council shall have the like powers, and the provisions of this section shall apply where the council shall consider it 25 expedient, in the exercise of its jurisdiction over highways, to deepen or straighten any stream, creek, or watercourse, or to remove any obstruction which prevents the free flow of the waters of any stream, creek, or watercourse; and, in such cases, the council may proceed without a petition from property 30 owners.” Rev. Stat. c. 184, s. 569, amended.

No. 136.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to amend the Municipal Act.

First Reading, 2nd March, 1888.

Mr. GUTHRIE.

TORONTO:

PRINTED BY WARWICK & SONS, 36 AND 38 FRONT ST. W.

No. 137.]

## BILL.

[1888.

An Act to amend the Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 19 of *The Act respecting the establishment of* Rev. Stat. c. 185, s. 19, amended.  
5 *Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River*, is hereby amended by inserting after the words and figures "section 489," in the third line of the said section the words and figures "in sub-section 3 of section 495."

BILL.

An Act to amend the Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River.

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First Reading, 2nd March, 1888.

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Mr. LYON.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act Respecting Creameries.

**W**HEREAS it is expedient that there should be a uniform <sup>Preamble.</sup> standard for milk sent to any creamery for the purpose of being manufactured into butter;

Therefore Her Majesty by and with the advice and consent  
5 of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. All milk containing less than thirteen per cent. of total <sup>Standard for</sup> solids, of which three and three-quarters per cent. must be <sup>milk.</sup> chemically dry butter fat, shall be deemed below the standard  
10 required in creameries for butter manufacture.

2. The owners or board of management of any creamery in <sup>Power to</sup> the Province of Ontario, may make such rules and regulations <sup>make Rules.</sup> as may be advisable for the due carrying on of the business of the creamery.

15 3. The patrons of all creameries shall be required to sub- <sup>Rules to be</sup> scribe their names to such rules and regulations, and the <sup>binding on</sup> rules and regulations shall be binding on the patrons, owners or <sup>patrons, etc.</sup> board of management.

No. 138.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL

An Act respecting Creameries.

First Reading, 2nd March, 1888.

MR. GRAHAM.

TORONTO,

PRINTED BY WARWICK & SONS, 26 & 28 FRONT ST. W.

An Act to establish Manhood Suffrage for the Legislative Assembly.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "The Manhood Suffrage Act," Short title. 5 and shall go into force on the 1st January, 1889.

2. Property or income qualification for voters as respect the Legislative Assembly is abolished, except as hereinafter <sup>Property qualification</sup> <sup>abolished.</sup> provided.

3. Every male person of the full age of twenty-one years, a <sup>Who may vote</sup> <sup>at elections.</sup> subject of Her Majesty by birth or naturalization, and not disqualified under sections 4 and 5 of *The Ontario Election Act*, or under this Act, and not otherwise by law prohibited from voting, shall, if duly entered on the list of voters proper to be used, be entitled to vote at elections to serve in the 15 Legislative Assembly of this Province :

Provided that such person, at the time fixed by statute (or by a by-law authorized by statute) for the return of the assessment roll to the clerk, had resided in this province for 12 months next preceding the said time, and was in good faith at the time fixed as aforesaid, a resident of, and domiciled 20 in, the municipality in the list of which he is entered, and is, at the time of tendering his vote, a resident of and domiciled within the electoral district, and had resided in the said electoral district continuously from the time first aforesaid. (R. S. O. 1887, ch. 9, s. 7.) Consol. Brit. Col., c. 66 ; Rev. St. Ill., 25 c. 66, ss. 65, 65a ; &c.

4. A person may be resident in the municipality within the meaning of this Act, notwithstanding occasional or temporary absence in the prosecution of his occupation as a lumberman, mariner, or fisherman, or attendance as a student 30 in an institution of learning in the Dominion of Canada ; and such occasional or temporary absence shall not disentitle such person to be entered on the assessment roll or voter's list as a qualified voter, or to vote. (R. S. O. 1887, ch. 9, s. 7, *fifthly*.) <sup>Temporary</sup> <sup>absence not to</sup> <sup>disqualify.</sup>

5. No person shall be marked by the assessor as a qualified 35 voter as hereinafter mentioned, or shall be entered on a list of voters, in respect of residence in a municipality where he is in attendance as a scholar or student at any school, university <sup>Students at</sup> <sup>college, etc.</sup>

or other institution of learning, unless he has no other place of residence entitling him to vote. (Rev. Stats. Ohio, 1868, ch. 32, sec. 1, sub. sec. 5.)

Disqualifications.

**6.** No person shall be entitled to be marked by the assessor as qualified, or shall be entered on a list of voters, or shall vote, who at the time of marking or entering or voting (as the case may be) is a prisoner in a gaol or prison undergoing punishment for a criminal offence; or is a patient in a lunatic asylum; or is maintained, in whole or in part, as an inmate in a municipal poor house or house of industry, or as an inmate of a charitable institution receiving aid from the Province under any statute in that behalf. (British Columbia Con. Stats. 1877, ch. 66, s. 2; Rev. Stat. of Illinois, 1880, Cothran's edition, ch. 46 s. 65 a.)

Indians.

**7.** (a) Enfranchised Indians, whether of whole or part Indian blood, shall, like other persons, be entitled to vote without having a property qualification.

(b) Unenfranchised Indians, of whole or part Indian blood, not residing among Indians or on an Indian reserve, shall, in lieu of legal enfranchisement, have the same property qualification as heretofore in order to entitle them to vote. *Ib. sixthly.* R. S. C., ch. 43. Consol. Brit. Col. c. 66, &c.

(c) Unenfranchised Indians, of whole or part Indian blood, residing among Indians, or on an Indian reserve, shall not be entitled to vote.

Qualification where there is no assessment roll or voters' list.

**8.** The same property and other qualifications as heretofore are continued with respect to voters in such of the municipalities, townships, and places in the Electoral Districts of Algoma East, Algoma West, East Victoria, East Peterborough, North Hastings, North Renfrew, South Renfrew, Muskoka 30 and Parry Sound as shall from time to time have no assessment roll or voters list. (R. S. O. 1887, ch. 9, s. 7, *seventhly.*)

Who may be placed on lists by assessor.

**9.**—(1) The assessor shall place on the assessment roll, as a qualified voter, the name of every male person who delivers or causes to be delivered to the assessor, an affidavit signed by such person in the form or to the effect set forth in Form "A" appended hereto, if the facts stated are such as entitle such person to be placed thereon.

(2) The affidavit may be made before any assessor or justice of the peace, commissioner for taking affidavits, or notary public; and every such officer shall, upon request, administer an oath to any person wishing to make the affidavit.

Brit. Col., ch. 66, s. 9; Rev. Stats. Illinois, ch. 46, s. 67, &c.

Enquiries to be made by assessor.

**10.** The assessor shall also make reasonable enquiries in order to ascertain what persons resident in his municipality, or in the section of the municipality in respect of which the assessor is acting, are entitled to be placed on the roll as qualified voters under this Act, and shall place such persons on the roll without the affidavit.

Entry by assessor under Rev. Stat. c. 193, s. 14.

**11.**—(1) Opposite the name of every person qualified to vote, the assessor shall in column 4 (mentioned in section 14 of *The Assessment Act* and (in addition to the letters, if any, re-



quired to show the qualification of such person in respect of municipal elections) write in capitals the letters M. Q., meaning thereby, "Manhood Qualification," and shall number all such names.

5 (2) Opposite every such name the assessor shall also in column 8, mentioned in section 14 of *The Assessment Act*, enter

(a) In the assessment roll of a city, town, or village, the residence of such person by the number thereof (if any), and the street or locality whereon or

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wherein the same is situate ;  
(b) In the assessment roll of a township the concession wherein, and the lot or part of a lot whereon, such person resides ;

and in all cases, any additional description, as to locality or  
15 otherwise, which may be reasonably necessary to enable the residence to be ascertained and verified. (R. S. O., 1887, ch. 193, sec. 14; 22 (2).

12. The assessor shall, at the foot of his assessment roll, after he has completed the same, make affidavit before a Justice of the Peace in the words, or to the effect following :—

Affidavit by assessor.

"I have not entered any name in the above roll, or improperly placed any letter or letters in column 4 opposite any name, with intent to give to any person not entitled to vote, a right of voting.

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"I have not intentionally omitted from the said roll the name of any person whom I believe entitled to be placed thereon, nor have I, in order to deprive any person of a right of voting, omitted from column 4 opposite the name of such person any letter or letters which I ought to have placed there."

13. Complaints of persons having been wrongfully entered on the roll as qualified voters or of persons not having been entered thereon as qualified voters, who shall have been so entered, may be made, subject to appeal, to the Court of Revision as in the case of assessments, or complaints may be made to the County Judge under *The Voters Lists Act*.

Complaints respecting list.

(2) A complaint of a person not having been entered as a qualified voter shall be accompanied by an affidavit of such person to the effect of Form A appended to this Act. In case of the absence of such person from the Province, the affidavit may be made by any other person on his behalf; and in such case the affidavit shall state the fact of the absence. R. S. O. 1887, ch. 8.

14. The voters list prepared under this Act for any municipality, after being certified by the Judge, shall be used at any election thereafter in such municipality for a member of the Legislative Assembly; and in case of a municipality for which there is no such voters list under this Act capable of being used at such election, the voters list heretofore provided for shall be used.

List when certified to be used at elections thereafter.

15. Where voters lists under this Act are used, the oaths to be taken by voters shall be according to the forms set forth in the schedule hereto, for the purposes therein mentioned.

Forms of oaths.

16.—(1) Every person who, at an election, applies for a ballot paper in the name of some other person, whether that name personation.

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be that of a person living or dead, or of a fictitious person, or who, having voted once at an election, applies at the same election for a ballot-paper in his own name shall, on conviction thereof, be liable to imprisonment for a term not exceeding two years with hard labor in addition to any other punishment to which he is liable for the offence. 5

(2) Every person who aids, abets, counsels, or procures the commission of any such offence, shall be liable to be indicted and punished as a principal offender.

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FORM A.

(Referred to in Section 7.)

**AFFIDAVIT OF PERSON CLAIMING TO BE PLACED ON THE ROLL BY VIRTUE OF MANHOOD QUALIFICATION.**

I, A. B., make oath and say, I am a British subject and have resided in this Province for the period of 12 months next preceding (a).

I am in good faith a resident of and domiciled in (giving name of municipality), and now reside therein at . (Here give the deponent's residence by the number thereof (if any) and the street or locality whereon or wherein the same is situated. if in a city, town or village. If the residence is in a township, give the concession wherein and the lot or part of the lot whereon it is situated.)

That I am of the full age of 21 years (or that I shall be of the full age of 21, on the said day of (a), as the case may be), and am not disqualified from voting at elections for the Legislative Assembly of Ontario ;

Sworn before me at , in the village of , } A. B.  
in the county of , this day of , 18 . }  
C. D.,

A Justice of the Peace (or as the case may be) for the above named County.

(a) The date to be inserted here in administering the oath is the day certified by the clerk of the municipality to be the date fixed by Statute (or by a by-law authorized by Statute) for the return of the assessment roll to the clerk.

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FORM B.

(Referred to in Section 15.)

**ORDINARY FORM OF OATH OF PERSON VOTING.**

You swear (1) that you are the person named or intended by the name of on the list of voters now shewn to you ; (2)

That you resided in this Province for the 12 months next preceding the (3) day of , 18

That on the said (3) day of , 18 , you were of the full age of 21 years, and were in good faith a resident of and domiciled in this municipality, and have ever since that date continuously resided in territory now included within this Electoral District, unless when absent for a merely temporary purpose ;

That you are now actually and in good faith a resident of and domiciled within this Electoral District ;

That you are entitled to vote at this election ;

That you are a subject of Her Majesty either by birth or by naturalization ;

That you have not voted before at this election, either at this or any other polling place ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this

election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting, at this election.

So help you God.

(1) If the voter is a person who may by law affirm in civil cases, then for "*swear*" substitute "*solemnly affirm*."

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath is the day certified by the clerk of the municipality to be the date fixed by statute (or by a by-law authorized by statute) for the return of the assessment roll to the clerk.

NOTE.—In the oath administered to a Deputy Returning Officer, poll clerk, or agent VOTING UPON A CERTIFICATE issued under Sec. 87, for "*on the list of voters now shewn to you*," substitute "*on the list of voters for the Municipality of* ." naming the municipality mentioned in the certificate.

### FORM C.

(Referred to in Section 15.)

FORM OF OATH TO BE TAKEN BY VOTER ON A SUPPLEMENTARY LIST OF VOTERS, MADE WHERE ADDITIONS HAVE BEEN MADE TO A CITY, TOWN OR VILLAGE, OR A NEW VILLAGE HAS BEEN FORMED COMPOSED OF TERRITORY SITUATED IN TWO OR MORE ELECTORAL DISTRICTS.

You *swear* (1) that you are the person named or intended by the name of \_\_\_\_\_ on the supplementary list of voters now shewn to you : (2)

That you resided in the Province for the 12 months next preceding the (3) \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

That on the said (3) \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ you were in good faith a resident of and domiciled in territory now part of this municipality, and have ever since continuously resided in territory now included within this electoral district.

That you are now actually and in good faith a resident of and domiciled within this electoral district ;

That you are entitled to vote at this election ;

That you are a subject of Her Majesty either by birth or by naturalization ;

That you have not voted before at this election, either at this or any other polling place ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm*."

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath is the day certified by the clerk of the municipality to be the date fixed by statute or (a by-law authorized by statute) for the return of the assessment roll to the clerk.

NOTE.—In the oath administered to a Deputy Returning Officer, poll clerk or agent, VOTING UPON A CERTIFICATE issued under Sec. 87, for "*on the list of voters now shewn to you*" substitute "*on the list of voters for the municipality of* ." naming the municipality mentioned in the certificate.

No. 139

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to establish Manhood Suffrage for  
the Legislative Assembly.

First Reading, 5th March, 1888.

The ATTORNEY-GENERAL.

TORONTO

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to establish Manhood Suffrage for the Legislative Assembly.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as *The Manhood Suffrage Act*, Short title. and shall go into force on the 1st January, 1889.

2. Property or income qualification for voters as respect the Legislative Assembly is abolished, except as hereinafter provided. Property qualification abolished.

3. Every male person of the full age of twenty-one years, a subject of Her Majesty by birth or naturalization, and not disqualified under sections 4 and 5 of *The Ontario Election Act*, or under this Act, and not otherwise by law prohibited from voting, shall, if duly entered on the list of voters proper to be used, be entitled to vote at elections to serve in the Legislative Assembly of this Province : Who may vote at elections.

Provided that such person, at the time fixed by statute (or by a by-law authorized by statute) for beginning to make the assessment roll, had resided for the nine months preceding the said time, or for the twelve months preceding the time up to which a complaint may be made to the county judge under the *Voters' Lists Act*, or this Act, to insert the name of such person in the list :

And provided that such person was in good faith at the time fixed as aforesaid, a resident of, and domiciled in, the municipality in the list of which he is entered, and is, at the time of tendering his vote, a resident of and domiciled within the electoral district, and had resided in the said electoral district continuously from the time fixed as aforesaid for beginning to make said roll or for making such complaint, as the case may be. (R. S. O. 1887, ch. 9, s. 7.) Consol. Brit. Col., c. 66 ; Rev. St. Ill, c. 66, ss. 65, 65a ; &c.

4. A person may be resident in the municipality within the meaning of this Act, notwithstanding occasional or temporary absence in the prosecution of his occupation as a lumberman, mariner, or fisherman, or attendance as a student in an institution of learning in the Dominion of Canada ; and such occasional or temporary absence shall not disentitle such person to be entered on the assessment roll or voter's list as a qualified voter, or to vote. (R. S. O. 1887, ch. 9, s. 7, *fifthly*.) Temporary absence not to disqualify.

Students at college, etc.

5. No person shall be marked by the assessor as a qualified voter as hereinafter mentioned, or shall be entered on a list of voters, in respect of residence in a municipality where he is in attendance as a scholar or student at any school, university or other institution of learning, unless he has no other place of residence entitling him to vote. (Rev. Stats. Ohio, 1868, ch. 32, sec. 1, sub. sec. 5.) 5

Disqualifications.

6. No person shall be entitled to be marked by the assessor as qualified, or shall be entered on a list of voters, or shall vote, who at the time of marking or entering or voting (as the case may be) is a prisoner in a gaol or prison undergoing punishment for a criminal offence; or is a patient in a lunatic asylum; or is maintained, in whole or in part, as an inmate receiving charitable support or care in a municipal poor house or house of industry, or as an inmate receiving charitable support or care in a charitable institution receiving aid from the Province under any statute in that behalf. (British Columbia Con. Stats. 1877, ch. 66, s. 2; Rev. Stat. of Illinois, 1880, Cothran's edition, ch. 46 s. 65 a.) 15

Indians.

7. (a) Enfranchised Indians, whether of whole or part Indian blood, shall, like other persons, be entitled to vote without having a property qualification. 20

(b) Unenfranchised Indians, of whole or part Indian blood, not residing among Indians or on an Indian reserve, shall, in lieu of legal enfranchisement, have the same property qualification as heretofore in order to entitle them to vote. *Ib. sixthly.* 25

R. S. C., ch. 43. Consol. Brit. Col. c. 66, &c.

(c) Unenfranchised Indians, of whole or part Indian blood, residing among Indians, or on an Indian reserve, shall not be entitled to vote. 30

Qualification where there is no assessment roll or voters' list.

8. The same property and other qualifications as heretofore are continued with respect to voters in such of the municipalities, townships, and places in the Electoral Districts of Algoma East, Algoma West, East Victoria, North Hastings, North Renfrew, South Renfrew, Muskoka and Parry Sound as shall from time to time have no assessment roll or voters list. (R. S. O. 1887, ch. 9, s. 7, *seventhly.*) 35

Who may be placed on lists by assessor.

9—(1) The assessor shall place on the assessment roll, as a qualified voter, the name of every male person who delivers or causes to be delivered to the assessor, an affidavit signed by such person in the form or to the effect set forth in Form "A" appended hereto, if the facts stated are such as entitle such person to be placed thereon. 40

(2) The affidavit may be made before any assessor or justice of the peace, commissioner for taking affidavits, or notary public; and every such officer shall, upon request, administer an oath to any person wishing to make the affidavit. 45

Brit. Col., ch. 66, s. 9; Rev. Stats. Illinois, ch. 46, s. 67, &c.

Enquiries to be made by assessor.

10. The assessor shall also make reasonable enquiries in order to ascertain what persons resident in his municipality, or in the section of the municipality in respect of which the 50

assessor is acting, are entitled to be placed on the roll as qualified voters under this Act, and shall place such persons on the roll as *qualified voters* without the affidavit.

11.—(1) Opposite the name of every person qualified to vote, Entry by  
5 the assessor shall in column 4 (mentioned in section 14 of *The* Rev. Stat. c.  
*Assessment Act* and (in addition to the letters, if any, re- 193, s. 14.  
quired to show the qualification of such person in respect of  
municipal elections) write in capitals the letters *M. F.*, meaning  
thereby, "*Manhood Franchise*," and shall number all such  
10 names.

(2) Opposite every such name the assessor shall also in  
column 8, mentioned in section 14 of *The Assessment Act*,  
enter

(a) In the assessment roll of a city, town, or village, the  
15 residence of such person by the number thereof  
(if any), and the street or locality whereon or  
wherein the same is situate;

(b) In the assessment roll of a township the concession  
20 wherein, and the lot or part of a lot whereon, such  
person resides;

and in all cases, any additional description, as to locality or  
otherwise, which may be reasonably necessary to enable the  
residence to be ascertained and verified. (R. S. O., 1887, ch.  
193, sec. 14; 22 (2).

12. The assessor shall, at the foot of his assessment roll, Affidavit by  
25 after he has completed the same, make affidavit before a Justice assessor.  
of the Peace in the words, or to the effect following:—

"I have not entered any name in the above roll, or improperly  
30 placed any letter or letters in column 4 opposite any name,  
with intent to give to any person not entitled to vote, a right  
of voting.

"I have not intentionally omitted from the said roll the name of  
35 any person whom I believe entitled to be placed thereon,  
nor have I, in order to deprive any person of a right of voting,  
omitted from column 4 opposite the name of such person any  
letter or letters which I ought to have placed there."

13.—(1) Complaints of persons having been wrongfully Complaints  
40 entered on the roll as qualified voters or of persons not having respecting list.  
been entered thereon as qualified voters, who should have been  
so entered, may be made by any person entitled to be a voter  
or to be entered on the voters' list in the municipality or in  
the electoral district in which the municipality is situate, and  
subject to appeal to the Court of Revision as in the case of  
assessments, or complaints may be made to the County Judge  
45 under *The Voters' Lists Act*.

(2) Any person who since the day upon which by statute  
or by by-law the assessment roll is returnable to the Clerk and  
before the time for appealing against the voters' list or of  
giving notice of application to the Judge to have the names of  
50 persons entered upon the voters' list under *The Voters' Lists*  
*Act* shall have expired, has become possessed of the qualifica-  
tions entitling him to vote, shall be entitled to give, or any  
person whose name is on the list or who has the qualification  
entitling him to have his name entered thereupon, may give  
55 the requisite notice or make application to the Judge to have  
the name of such first-mentioned person entered upon the  
voters' list.

List when certified to be used at elections thereafter.



14. The voters list prepared under this Act for any municipality, after being certified by the Judge, shall be used at any election thereafter in such municipality for a member of the Legislative Assembly; and in case of a municipality for which there is no such voters list under this Act capable of being used at such election, the voters list heretofore provided for shall be used. 5

Forms of oaths.

15. Where voters lists under this Act are used, the oaths to be taken by voters shall be according to the forms set forth in the schedule hereto, for the purposes therein mentioned. 10

Penalty for personation

16.—(1) Every person who, at an election, applies for a ballot-paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who, having voted once at an election, applies at the same election for a ballot-paper in his own name shall, on conviction thereof, be liable to imprisonment for a term not exceeding two years with hard labor in addition to any other punishment to which he is liable for the offence. 15

 This section is not to apply to a person who applies for a ballot paper, believing that he is the person intended by the name entered in the voters' list in respect of which he so applies.  20

(2) Every person who aids, abets, counsels, or procures the commission of any such offence, shall be liable to be indicted and punished as a principal offender. 25

#### FORM A.

(Referred to in Section 7.)

#### AFFIDAVIT OF PERSON CLAIMING TO BE PLACED ON THE ROLL BY VIRTUE OF MANHOOD QUALIFICATION.

I, A. B., make oath and say, I am a British subject and have resided in this Province for the nine months next preceding the (a) day of (a) in the present year.

I am in good faith a resident of and domiciled in (giving name of municipality), and now reside therein at . (Here give the deponent's residence by the number thereof (if any) and the street or locality whereon or wherein the same is situated. if in a city, town or village. If the residence is in a township, give the concession wherein and the lot or part of the lot whereon it is situated.)

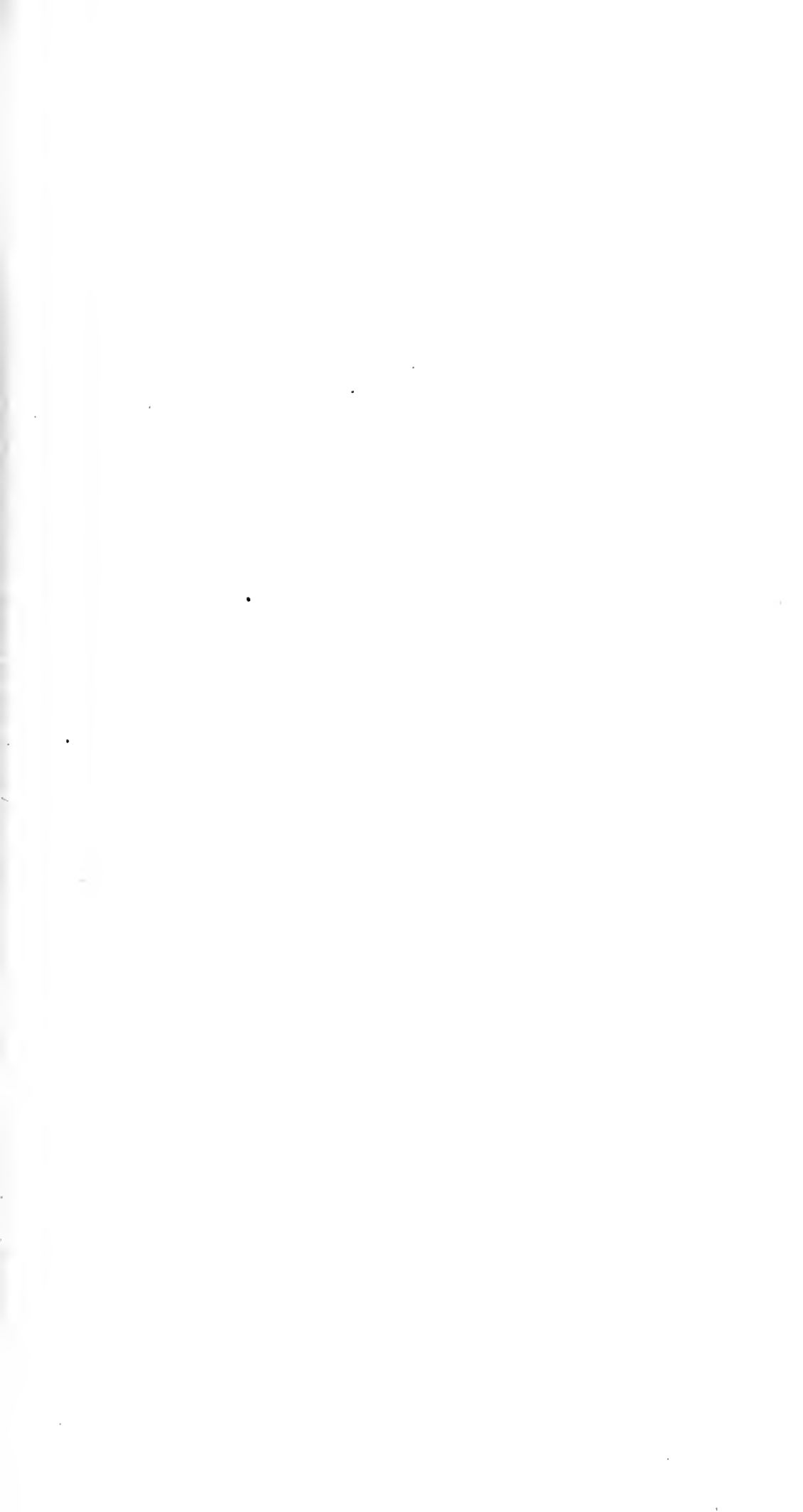
That I am of the full age of 21 years (or that I shall be of the full age of 21, on the said day of (a), as the case may be), and am not disqualified from voting at elections for the Legislative Assembly of Ontario;

Sworn before me at , in the village of , }  
in the county of , this day of , 18 . } A. B.  
C. D.,

A Justice of the Peace (or as the case may be) for the above named County.

(a) The date to be inserted here in administering the oath is the day fixed by Statute (or by a by-law authorized by Statute) for the assessor to begin to make his roll.





No. 139.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to establish Manhood Suffrage for  
the Legislative Assembly.

*(Re-Printed as amended by Committee of  
Whole House.)*

First Reading, 5th March, 1888.  
Second " 16th " 1888.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act Respecting Muskoka and Parry Sound.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. From and after the first day of July next, the territorial districts of Muskoka and Parry Sound, shall form a provisional judicial district, to be called "The United Provisional Judicial District of Muskoka and Parry Sound," as if the same had been so declared by the Lieutenant-Governor under *The Unorganized Territory Act*; and the enactments relating to provisional judicial districts, formed by proclamation, shall apply to the said district;

Formation of "The United Provisional Judicial District of Muskoka and Parry Sound."

(1) Save that there shall be two sheriffs for the said provisional judicial district, one for the territorial district of Muskoka, and the other for the territorial district of Parry Sound; and either of the said sheriffs may also be a bailiff of a Division Court;

(2) Save also that the gaol at Barrie shall continue to be a common gaol of the district, and shall be used for the confinement of all prisoners who (it is supposed) cannot legally, or safely, or conveniently, be imprisoned within the district;

(3) And save also where inconsistent with this Act.

(R. S. O. 1887, ch. 91.)

2. The limits of the said territorial districts shall continue as at present, until altered under the authority of section 80 of *The Unorganized Territory Act*, or otherwise.

Present limits of territorial districts continued.

3.—(1) There are hereby established for the said district from the said day a District Court, to be called "The District Court of Muskoka and Parry Sound," and a Surrogate Court, to be called "The Surrogate Court of Muskoka and Parry Sound."

District and Surrogate Courts.

(2) The District Court shall be held at such place or places in each of the said Districts as the Lieutenant-Governor by proclamation from time to time appoints; and is to be presided over by a judge, to be appointed in accordance with the provisions of *The British North America Act, 1867*; the district judge shall be judge of the Surrogate Court; and *The Act respecting the County Judge's Criminal Courts*, shall extend to the said judge and district. (R. S. O. 1887, ch. 49; ch. 91, secs. 53, 54.)

(3) The laws now in force, or which may be hereafter passed; with respect to Surrogate Courts and judges in

counties and to the officers thereof, shall apply to the said Surrogate Court and to the judges and officers thereof. (R. S. O. 1887 ch. 91, s. 55; ch. 50.)

(4) The said district court shall have the same jurisdiction as is possessed by County Courts. (R. S. O. 1887, ch. 91, s. 56; ch. 47.) 5

(5) The clerk of the Division Court at Parry Sound may be appointed local registrar under *The Judicature Act*, and registrar of the Surrogate Court for the district.

(6) In case, after an appointment has been made, a vacancy occurs, the clerk of the Division Court at Parry Sound shall *ex officio* be local registrar and registrar of the Surrogate Court until another appointment is made. 10

(7) The village of Parry Sound shall be the district town of the provisional judicial district. 15

Appoint-  
ments under  
this Act.

4. Any appointments to be made under this Act, and any security to be given or oaths taken, may be made, given or taken at any time after the passing hereof.

Present  
officers con-  
tinued.

5. The stipendiary magistrate, registrar of deeds, and all coroners, justices of the peace, and commissioners for taking affidavits, heretofore appointed for each of the districts of Muskoka and Parry Sound, shall be the stipendiary magistrate, registrar, coroners, justices of the peace and commissioners of the provisional judicial district with their present tenures of office, without new commissions, and without again taking any oath. (R. S. O. 1887, ch. 72, ss. 4 and 14.) 20 25

Powers and  
duties of  
stipendiary  
magistrate.

6. The stipendiary magistrates shall have the same powers, rights and duties as at present, and therein are to be auxiliary to the District judge. (R. S. O. ch. 91; 185.)

Provision in  
case of illness  
or absence of  
stipendiary  
magistrate.]

7. In case of there being no stipendiary magistrate for Parry Sound or Muskoka, or in case of the absence or illness of the stipendiary magistrate, all the duties and powers of that officer shall belong to and be performed and exercised by the district judge. 30

Stipendiary  
magistrate to  
act for dis-  
trict judge.

8. Each of the stipendiary magistrates may, at the request of the district judge, act for the judge in holding any court or performing any other function or duty of the judge, and while so acting shall have all the rights, powers and privileges of the judge. 35

*Ex-officio*  
Justices of the  
Peace.

9. Each of the stipendiary magistrates shall be *ex-officio* a justice of the peace for the provisional judicial district; and the provisions respecting county police magistrates, contained in the *The Act respecting Police Magistrates*, shall apply to him. 40

Sittings of  
High Court.

10.—(1) Sittings of the High Court for the trial of civil and criminal causes and for other purposes shall be held once a year, (or if the judges of the High Court deem it requisite, oftener), at Parry Sound and Bracebridge and at such other places (if any) as may, from time to time, be appointed by the Lieutenant-Governor in Council; and such sittings shall be held on 45 50

such days as may, from time to time, be appointed therefor by the said judges. If the judges, upon inquiry, ascertain, on any occasion, that any sitting is not required for the due administration of justice, it shall not be necessary to appoint a 5 day for the holding thereof.

(2) In case the sittings are to be held, the judges of the High Court, or some of them, shall issue the necessary precepts for the summoning of grand and petit jurors. (R. S. O. 1887, ch. 91, s. 66.)

10 **11.** Sections 64 and 65 of *The Unorganized Territory Act* shall apply to the said district court. (R. S. O. 1887, ch. 91.) Application of Rev. Stat. c. 91, s.s. 64, 65.

**12.** The registration of instruments mentioned in *The Act respecting Mortgages and Sales of Personal Property* shall continue to be made as at present. (R. S. O. 1887, ch. 123.) Registration of bills of sale, etc.

15 **13.**—(1) Every gaol or lock-up heretofore or hereafter erected in either of the said territorial districts, under the authority of the Lieutenant-Governor, or any building so declared by Order in Council, shall be a common gaol of the provisional judicial district, for the safe custody of persons charged within the 20 territorial district, with the commission of crimes or with the commission of offences against any of the statutes of this Province, or against any municipal by-law, who may not have been finally committed for trial; or for the safe custody of persons finally committed for trial charged 25 as aforesaid, and who are to be tried in the district; or for the confinement of persons sentenced within the district for crimes or offences aforesaid, for the periods for which they are sentenced, or until such persons can be conveniently removed to the gaol at Barrie, or other lawful prison to which 30 they are sentenced. (R. S. O. 1887, ch. 91, s. 15 [1]) Gaols and lock-ups.

(2) Nothing contained in the last preceding section shall be construed to prevent any court or magistrate from directing the committal, either for safe custody or for punishment of any person whom it may be considered expedient to commit 35 to the common gaol at Barrie. (R. S. O. 1887, ch. 91, s. 15 [2])

**14.**—(1) The provisions of law with reference to judicial proceedings in the case of a separation of a junior from a senior county, and the dissolution of a union of counties, shall apply to the said provisional judicial district, so far as the same are 40 consistent with this Act; and in order to apply such provisions the county of Simcoe shall be regarded as a senior county and each of the districts as a junior county. (R. S. O. 1887, ch. 6, s. 27.) Provisions for separation of counties to apply.

(2) This section shall not be held to authorize the sheriff of 45 Simcoe to execute within Muskoka or Parry Sound a writ not in his hands at the time the said districts become a provisional judicial district, where the writ does not depend for its priority upon a former writ executed by him. (Dufferin Act, 44 V. ch. 9, s. 10.)

50 (3) No unsatisfied writ in the hands of the said sheriff at the said time shall bind lands or goods situate within the said district, or have any effect upon the lands or goods after one year from the said time, unless the person entitled to the benefit

of the unsatisfied writ, before the expiration of the year, places a writ against lands or goods (as the case may require) in the hands of the sheriff of the district in which the lands or goods are situate, indorsed with a notice that priority is claimed by virtue of this Act, in which case, his writ in the hands of the sheriff of Simcoe, if at the said time it bound lands or goods within Muskoka or Parry Sound, shall continue to bind the same, and shall retain its priority so long as such indorsed writ remains in force; provided such person has not in the meantime permitted his writ in the hands of the sheriff of Simcoe to expire, or has not otherwise lost his priority. (Dufferin Act, 44 V. ch. 9, s. 9).

Appointment  
of Deputy  
Clerk.

15.—(1) The Lieutenant-Governor may, from time to time appoint, under the great seal, an officer for the District Court of the said Provisional Judicial District, to be called the Deputy Clerk for Muskoka, who shall hold office during pleasure, and shall keep his office at Bracebridge, and the said officer may also be clerk of the Division Court.

Vacancy in  
the office of  
Deputy Clerk.

(2) In case after an appointment has been made a vacancy occurs in the office, the Clerk of the Division Court at Bracebridge shall *ex-officio*, be Deputy Clerk until another appointment is made.

Powers and  
Duties of  
Deputy Clerk.

(3) The said Deputy Clerk shall issue writs for the commencement of actions in the District Court, and shall, in respect of actions so commenced and of proceedings therein, perform the like duties and have the like powers and rights as are performed or possessed by the Clerk of the District Court at Parry Sound in respect of actions commenced by writs issued out of his office, and of proceedings therein; and the Deputy Clerk shall also issue such writs and process in such actions as may in like case be issued by the Clerk of the District Court, and may renew such writs as by law may be renewed.

Capias.

(4) No writ of capias issued under the next preceding subsection shall be executed outside of the district of Muskoka and every writ of capias so issued shall be marked by the Clerk as follows: "Only to be executed within the District of Muskoka," but this shall not prevent a copy of the writ of capias being served at any place within Ontario.

Seal.

(5) The Deputy Clerk of the District Court shall have the custody of a seal similar in design to the seal of the court in the custody of the Clerk at Parry Sound, and the Deputy Clerk shall seal therewith all writs, process and proceedings requiring the seal of the court; and every writ, process or proceeding so sealed shall be held to be duly sealed with the seal of the court. R. S. O. 1887, ch. 91, s. 67.

Venue.

16. In an action in which the venue is local, the writ shall be issued out of the office of the Deputy Clerk, and Bracebridge shall be named as the place of trial in the same manner as if the District of Muskoka was a separate county; but the judge may, if he sees fit, change the place of trial. R. S. O. 1887, ch. 91, s. 68.

Deputy Clerk  
to be Registrar  
of Surrogate  
Court.

17.—(1) The Deputy Clerk for Muskoka of the District Court of Muskoka and Parry Sound shall, *ex-officio*, be Deputy Registrar for Muskoka of the Surrogate Court of Muskoka and

Parry Sound ; and he shall keep his office of Deputy Registrar at the same place as he is required by law to keep his office of Deputy Clerk.

(2) Sections 11, 12, 13 and 14 of *The Surrogate Courts Act*, R. S. O., c. 50, ss. 11-14 to apply to Deputy Registrar.  
 5 shall apply as nearly as may be to the Deputy Registrar for Muskoka ; and he shall observe and conform to the provisions thereof ; and shall perform the like duties, and shall have the like powers and rights, under and by virtue of the said Revised Statute, within the District of Muskoka, as are performed  
 10 or possessed by the Registrar of the Surrogate Court at Parry Sound ; and the latter shall not exercise the powers and rights of Registrar of the Surrogate Court, in regard to applications for probate, or letters of administration, in respect of the will, or estate, of any person who had at the time of his  
 15 death his fixed place of abode in the District of Muskoka, or of any person who having no fixed place of abode within Ontario had, at the time of his death, real or personal estate in Muskoka but not in Parry Sound, which but for this section would have been exercised by him as Registrar of the Surro-  
 20 gate Court for Muskoka and Parry Sound.

(3) The Deputy Registrar of Surrogate shall have the custody of a seal similar in design to the seal of the Court in the custody of the Registrar, and this seal shall be the seal of the court for the purpose of sealing grants, letters, writs,  
 25 certificates, papers or proceedings in connection with any matter or thing in the office of the Deputy Registrar requiring to be sealed. R. S. O. ch. 91, s. 69. Surroga Seal.

18. The Surrogate Court for Muskoka and Parry Sound shall, at Bracebridge, in respect of matters arising within the  
 30 district of Muskoka and at Parry Sound in respect of matters arising within the rest of the provisional judicial district, hold such sittings as the Judge may think proper and necessary ; and the Judge may, when he deems it more convenient for the parties interested, perform any judicial or magisterial  
 35 act affecting either of the said Surrogate divisions in the other of such divisions or at any place not herein named in either division. R. S. O. 1887, c. 91, s. 70. Sittings of Surrogate Court.

19.—(1) The Lieutenant-Governor may appoint a sheriff of the said district of Muskoka, who shall keep his office at  
 40 Bracebridge. Appointment of Sheriff.

(2) All writs and other process requiring to be directed to a sheriff and intended to be executed within the district of Muskoka shall be directed to the said sheriff. R. S. O. 1887, c. 91, s. 71.

20.—(1) Besides the sittings at the district town, the District Court of Muskoka and Parry Sound shall hold sittings on the *first Tuesday* of the month of *June* and the *fourth Tuesday* of the month of *November* of each year, at Bracebridge, for trials and assessments by jury, and sittings of the General  
 45 Sessions of the Peace for Muskoka and Parry Sound shall be held on the same days as the District Court. Sittings of District Court.  
Sittings of General Sessions.

(2) The General Sessions of the Peace at Bracebridge shall be for the trial of causes within the jurisdiction of the General Sessions where the offence to be tried was committed within  
Trial of appeals.

the district of Muskoka, and for the trial of appeals to the General Sessions from a decision, order or conviction made by a justice of the peace or stipendiary magistrate within such district. R. S. O. 1887, c. 91, s. 72.

## PART II.

5

**Municipalities in district separated from counties for municipal purposes.** **21.** The several municipalities in the said Provisional Judicial District are hereby separated for municipal purposes from the counties to which for municipal purposes they now respectively belong.

**Formation of municipalities into provisional county by proclamation.** **22.** In case the majority of the reeves and deputy-reeves of the municipalities within either of the said territorial districts, or within any part of the said Provisional Judicial District previously designated for this purpose by order of the Lieutenant-Governor in Council, shall, in the month of February in any year, petition the Lieutenant-Governor in Council in this behalf, the Lieutenant-Governor may, by his proclamation, if he thinks fit, form the municipalities in the said district, or other territory designated as aforesaid, into a provisional county. (R. S. O. 1887, ch. 184, s. 38, *et seq.*)

**"Provisional County of Muskoka."** **23.—(1)** If the proclamation is issued in respect of Muskoka, the district of Muskoka shall form and be a provisional county, by the name of the provisional county of Muskoka; and the inhabitants thereof shall be a provisional county corporation, and be styled, "The Corporation of the Provisional County of Muskoka."

**"Provisional County of Parry Sound."** **(2)** If the proclamation is issued in respect of Parry Sound, the district of Parry Sound shall form and be a provisional county, by the name of the provisional county of Parry Sound; and the inhabitants thereof shall be a provisional county corporation, by the name of "The Corporation of the Provisional County of Parry Sound."

**(3)** If the proclamation is issued in respect of any other territory designated as aforesaid, the said territory shall form and be a provisional county by a name to be declared by the proclamation; and the inhabitants shall be a provisional county corporate by the name so declared.

**Powers of provisional corporations.** **24.** Provisional corporations formed under this Act, and the council thereof, shall have, respectively, all the rights, powers, liabilities, and incidents of a county corporation and county council; and the municipal law and statutes applicable to counties, county corporations, and county councils, and the members of such councils, shall apply to the said provisional counties, except where inconsistent with this Act. (R. S. O., ch. 6, s. 3.)

**How council of provisional county to be composed.** **25.** The reeves and deputy-reeves of the municipalities within the provisional county shall compose the council thereof, and the first meeting of the council shall be at such place and time as the Lieutenant-Governor, by proclamation, may appoint; and the Lieutenant-Governor may in the proclamation name one of the members to preside in the council until a warden has been elected, and may name some place as the county town. (R. S. O. 1887, ch. 184, s. 38.)



**26.** The Division Courts shall continue as they then are until changed, but in the names of the courts the "Provisional County of Muskoka," and the "Provisional County of Parry Sound," or as the case may be, shall be substituted for the "District of Muskoka," and the "District of Parry Sound," respectively.

**27.—(1)** In case a township, or two or more adjacent townships in the provisional county, and not belonging to any incorporated union of townships, is or are not incorporated, and in case such township or adjacent townships has, or have together not less than one hundred inhabitants, the council of the provisional county may by by-law unite such township or townships for municipal purposes to some adjacent incorporated township, or form such township or townships into an independent township or union of townships.

**(2)** The by-law shall name the place for holding the first election and the returning officer who is to hold the same; and every by-law forming a union of townships shall designate the order of seniority of the townships so united. (R. S. O. 1887, ch. 185, s. 1; ch. 184, ss. 27-34.)

No. 140.

2nd Session, 6th Legislature, 51 Vic. 1888.

BILL.

An Act Respecting Muskoka and Parry  
Sound.

First Reading, 5th March, 1888.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act relating to the dissolution of United Counties.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 48 of *The Municipal Act* is hereby amended by adding thereto the following sub-section: Rev. Stat. c. 184, s. 48, amended.

(2) The treasurers of the senior county shall, upon being requested so to do, deliver to the treasurer of the new county the books relating to the municipalities within the new county required to be kept under Section 152 of *The Assessment Act*.

2. Section 49 of the said Act is hereby amended by adding thereto the following sub-sections: Rev. Stat. c. 184, s. 49, amended.

(2) All actions and proceedings in any court which may be pending at the date the establishment of the new county takes effect, may be prosecuted, continued and completed, and all writs of execution and other processes, and all acts and proceedings subsequent thereto, may, (subject to any order to the contrary being made), be taken, issued, and had in the county in which such actions and proceedings were originally commenced as fully and effectually as if the junior county had not been separated from the senior county; and subject to the provisions of the next sub-section, no writ or other process or proceeding shall lose its priority by reason of no entry thereof appearing or being in the proper office in that behalf in the new county; and all officers who would have had power or authority to execute such writ, process or proceedings, if the new county had not been formed, shall, for the purpose of all pending suits, actions and proceedings, have the same power and authority in respect of same as if the dissolution had not taken place, *Dufferin Act*, 44 V. c. 9, secs. 5-7. Suits pending.

(3) This section shall not be held to authorize the sheriff of the senior county to execute within the new county any writ which is not in his hands at the time the dissolution takes effect, unless such writ depends for its priority upon a former writ executed by such sheriff or in his hands at the said time. Execution of writs.

(4) No unsatisfied writ against lands or goods in the hands of the sheriff of the union on the day the dissolution takes effect shall bind lands or goods situate within the limits of the new county, or have any effect upon such lands or goods after one year from the said day, unless the person entitled to the benefit of such unsatisfied writ, before the expiration of the said year shall have placed a writ against lands or goods (as Continuation of writs in hands of sheriff at time of dissolution.

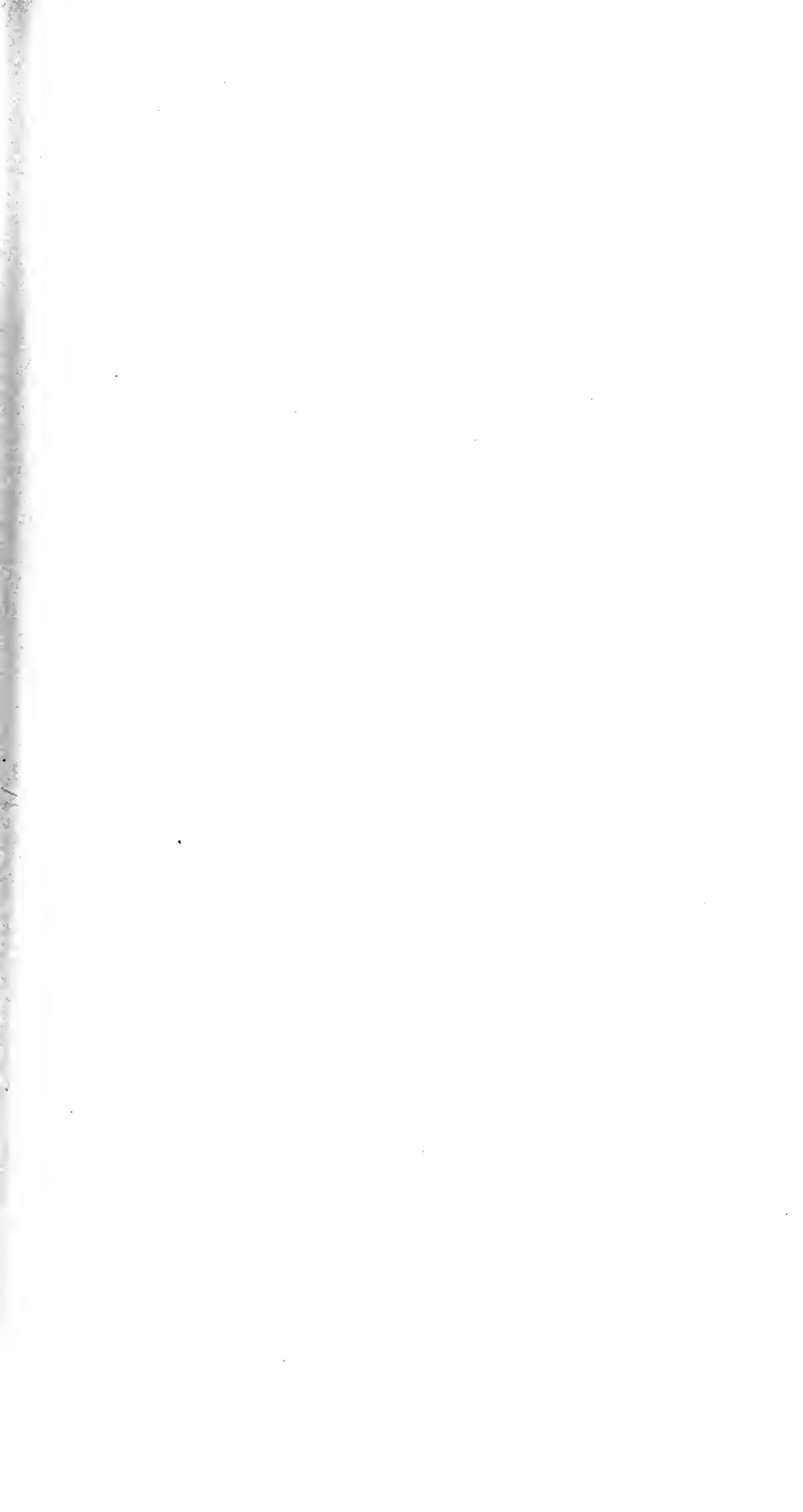
the case may require) in the hands of the sheriff of the new county, indorsed with a notice that priority is claimed by virtue of this Act, in which case his writ in the hands of the sheriff of the senior county, if it, at the said time, did bind lands or goods within the territory included in the new county, shall continue to bind such lands or goods and shall retain its priority so long as such indorsed writ remains in force; provided such person shall not in the meantime have permitted his writ in the hands of the sheriff of the senior county to expire, or shall not have otherwise lost his priority. Dufferin Act, 44 V. c. 9, sec. 9. 5 10

Division  
Courts.

(5) The Lieutenant-Governor may, in the proclamation establishing the new county, or in a subsequent proclamation, fix and determine the number, limits and extent of the Division Courts for the new county, to take effect from a day to be named, subject to be thereafter altered under the provisions of *The Division Courts' Act*, and may by such proclamation direct that suits and proceedings which at the said day are pending or being in any Division Court therein specified, shall become suits or proceedings of any other Division Court therein specified, and thereupon such suits or proceedings may be continued in such last mentioned Court as if they had been commenced therein. Dufferin Act, 44 V. c. 9, secs. 1-4. 15 20

Chattel  
mortgages.

(6) All chattel mortgages relating to property within any of the township, cities, towns or incorporated villages forming the new county, at the date the proclamation takes effect, shall until their renewal becomes necessary to maintain their force against creditors, continue to be as valid and effectual in all respects as they would have been if the new county had not been formed, but in the event of a renewal of any such chattel mortgage after the date the proclamation takes effect, the renewal shall be filed in the proper office in that behalf in the new county as if the mortgage had originally been filed, therein, together with a certified copy under the hand of the clerk and seal of the county court, and no chattel mortgage in force at the said date shall lose its priority by reason of its not being filed in the new county prior to its renewal. Dufferin Act, 44 V. c. 9, secs. 14, 15. 25 30 35 44



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2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL.

An Act relating to the dissolution of United  
Counties.

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First Reading, 6th March, 1888.

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MR. HARDY.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 9 of section 489 of *The Municipal Act* is hereby repealed, and the following is substituted therefor:—

Rev. Stat. c.  
184, s. 489 (9),  
repealed.

(9) For requiring all traders or persons who may offer goods or merchandise of any description for sale by auction, or in any other manner, conducted by themselves or by a licensed auctioneer, or by their agent or otherwise, to pay before commencing to trade a sum not to exceed \$        by way of license, and for providing that the sum so paid as license shall be credited to the trader paying the same upon and on account of taxes for the unexpired portion of the then current year, as well as any subsequent taxes, should such trader remain in the municipality a sufficient time for taxes to become due and payable by him, and in any other event to be taken and used by the municipality as a portion of the license fund of such municipality: but no such by-law shall affect, apply to, or restrict the sale of the stock of an insolvent estate which is being sold or disposed of within the municipality in which the insolvent carried on business therewith, at the time of the issue of a writ of attachment or of the execution of an assignment.

Regulating  
transient  
traders.

BILL.

An Act to amend the Municipal Act.

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First Reading, 7th March, 1888.

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MR. CRAIG.

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TORONTO:  
PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



## An Act to amend the Municipal Act.

**W**HEREAS under and by virtue of an Act passed in the <sup>Preamble.</sup> 50th year of the reign of His late Majesty King George the Third, chapter 1, section 5, it was enacted, that all public roads established or laid out thereunder should be of a width  
 5 not less than thirty feet and not more than sixty feet; and whereas under and by virtue of an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, chapter 10, section 2, it was enacted that thereafter all said public roads established and laid out under the above mentioned  
 10 Act and said amending Act should be of a width not less than forty feet and not more than sixty-six feet; and whereas under and by virtue of an Act passed in the twelfth year of the reign of Her present Majesty, chapter 81, section 189, and which Act transferred the powers theretofore vested in the  
 15 magistrates in Quarter Sessions to the municipal corporations thereby constituted, it was enacted that thereafter all said public roads laid out or established by the said corporations should be of a width not less than forty and not more than  
 20 ninety feet; and whereas the evidence as to the survey and the width of many roads in this Province laid out under the authority of the Acts in force prior to the last recited Act, by magistrates in Quarter Sessions, and usually known as forced roads as distinguished from the original allowances for road, is not of record ;  
 25 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The council of every township municipality in which any such forced road has been laid out prior to the passing of the <sup>Survey of forced roads.</sup>  
 30 said last recited Act, on the application of any ratepayer complaining that a forced road laid out as aforesaid, either in whole or in part, has been encroached upon, and is, at the time of such complaint, of a less width than forty feet by reason of fences or other obstructions thereon, may, by resolution or by-  
 35 law, order a survey of such forced road to be made by a competent surveyor; and the surveyor so employed shall ascertain by search whether there is or not any record of the original laying out of such road, and of the width thereof; and, in case he finds no record of the original width of the road, he  
 40 shall lay out a road forty feet wide—that is to say, twenty feet on each side, as nearly as may be, of the centre of the then present travelled road.

By-law of  
council for  
opening road  
in accordance  
with survey.

2. The council, on receiving the report of the surveyor, may thereupon, by resolution or by-law, order and direct the adjoining owners or occupants to remove any fences or obstructions in front of or opposite their respective lands between the line of road so laid out by the surveyor on each of their lands respectively and the present travelled road; and, in case of default on the part of such owners or occupants to remove such fences or obstructions within ten days after receiving notice so to do from the pathmaster of the road division in which such fences or obstructions exist, they shall be deemed to be obstructing a public highway within the meaning of any law in force respecting the obstruction of highways. 5 10

Penalty.

3. Any person offending against the provisions of the preceding section, upon conviction thereof before a justice of the peace, shall forfeit and pay the sum of \$ and costs of 15 prosecution: Provided always, that the council, if the evidence shows that such road was laid out prior to the passing of the Act secondly above recited, shall be liable to make compensation to the owners of all land taken in excess of thirty feet, or they may direct such road to be laid out, as aforesaid, of a 20 uniform width of thirty feet without compensation.



2nd Session, 6th Legislature, 51 Vic, 1887.

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BILL.

An Act to amend the Municipal Act.

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First Reading, 7th March, 1888.

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MR. LEES.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Municipal Light and Heat Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation may acquire by purchase or gift the <sup>Power to acquire water rights.</sup> right or title to any stream, river, creek, waters, water power, water course or lands situate, being or flowing in or through any such municipality, or within three miles thereof, and build, erect, make, preserve, improve, renew, widen or alter any dam or dams, water gates, waste gates, weirs or flumes upon, 5 over or across any such stream, river, creek, waters, water course or lands, and make, dig, widen, preserve, alter or improve any raceway or raceways leading to or from any such dam or dams, for the purpose of obtaining power to run or drive the necessary machinery for supplying electric light or heat.
2. The corporation may sell, grant, convey or demise to <sup>Power to sell rights.</sup> any person or persons whomsoever, or to any company or companies, corporation or corporations, any right, title or interest, or any portion of any right, title or interest which such municipality may have in or to the said stream, river, 15 creek, water, water power, water course, dam, gates, flumes or lands beyond such part thereof as the corporation may deem necessary to retain for the purpose of supplying power for the purpose of running the electric machinery aforesaid, for such price, rents or consideration, and upon such terms and con- 25 ditions as may be deemed advisable in the interests of such municipality; and may make or enter into any agreement or covenant with the grantee or lessee of any such right, title or interest as to preserving, improving, renewing, widening, repairing, maintaining or altering any such dam, raceways, 30 gates, weirs, flumes, or any of them, or any portion or portions thereof, or as to the cleansing or removing of debris, ice or deposits from such stream, river, creek, water, water course, raceways or flumes.

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2nd Session, 6th Legislature, 51 Vic, 1888

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BILL.

An Act to amend the Municipal Light and  
Heat Act.

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First Reading, 7th March, 1888.

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Mr. WOOD,  
(*Brought*.)

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

1. Section 271 of *The Municipal Act* is hereby repealed, Rev. Stat. c. 184, s. 271, repealed.  
5 and the following substituted therefor:—

271. Every member of a municipal council, every mayor, and every clerk, assessor and collector appointed by a council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following:—  
Declaration of office to be made by certain officers.

I, *A. B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), to which I have been elected (*or appointed*) in this township (*or as the case may be*), and that I have not received, and will not receive, any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said corporation.  
Form of declaration of office.

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2nd Session, 6th Legislature, 51 Vic. 1888.

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BILL.

An Act to amend the Municipal Act.

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First Reading, 8th March, 1888.

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**MR. MCMAHON.**

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



An Act to amend the Act respecting the Solemnization of Marriages.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Act respecting the Solemnization of Marriages* is amended by substituting the word "Canada" for the word "Ontario" in the first section of the said Act. (R. S. O. 1887, ch. 131.) Rev. Stat. c. 131, s. 1, amended.

2. Any marriages which, before the passing of this Act, have been solemnized in this Province by clergymen or ministers duly ordained or appointed as such according to the rites and ceremonies of the churches to which they belong, between persons not under any legal disqualification for entering into the contract of matrimony, are hereby declared to have been and to be lawful and valid marriages, so far as respects the civil rights in this Province of the parties or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature, notwithstanding that the clergyman or minister was not at the time a resident of this Province; Certain marriages confirmed.

Provided that the parties thereafter lived together and cohabited as man and wife, and that the validity of the marriage has not hitherto been questioned in any suit or action; and Proviso.

Provided further that nothing in this Act shall make valid any such marriage in case either of the parties thereto has since contracted matrimony according to law; and in such a case the validity of the marriage by a non-resident clergyman or minister shall be determined as if this Act had not been passed. (R. S. O. 1887, c. 131, s. 1; 38 Vict. c. 9, s. 6.) Proviso.

No. 146.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to amend the Act respecting the  
Solemnization of Marriages.

First Reading, 8th March, 1888.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 147.]

**BILL.**

[1888.

An Act to amend the Act respecting Benevolent,  
Provident and other Societies.

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province  
enacts as follows:—

1. Sub-section 3, of section 2, of *The Act respecting Benevo-*  
*5 lent, Provident and other Societies*, being chapter 172 of the  
Revised Statutes of Ontario, 1887, is hereby amended by  
adding after the word "Act," in the fourth line of said sub-  
section, the words following: "And on the production of such  
evidence as shall establish to his satisfaction that the pro-  
10 name of the Society is not the name of any other known  
incorporated or unincorporated company or society, or name  
liable to be unfairly confounded therewith, or a name other-  
wise on public grounds objectionable." R.S.O. 1887, c. 157,  
sec. 6 (a).

Rev. Stat.  
c. 172, s. 2 (3)  
amended.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to amend the Act respecting Benevolent, Provident and other Societies.

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First Reading, 8th March, 1888.

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The ATTORNEY-GENERAL.

TORONTO.

PRINTED BY WARRICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Executive Administration of  
Laws of this Province.

**W**HEREAS by the 65th section of the British North America Act, 1867, it was provided (among other things) Preamble.  
that all powers, authorities, and functions which under any  
Act of the Parliament of Great Britain, or of the Parliament of  
5 the United Kingdom of Great Britain and Ireland, or of the  
Legislature of Upper Canada, Lower Canada, or Canada, were  
before or at the union vested in or exercisable by the respective  
governors or lieutenant-governors of those provinces should, as  
far as the same were capable of being exercised after the union  
10 in relation to the government of Ontario and Quebec respec-  
tively, be vested in and exercised by the Lieutenant-Governor  
of Ontario and Quebec respectively, subject, nevertheless, to be  
abolished or altered by the respective Legislatures of Ontario  
and Quebec, except with respect to such as existed under Acts  
15 of the Parliament of Great Britain, or of the Parliament of the  
united kingdom of Great Britain and Ireland;

And whereas by the 92nd section of the said Act, it was  
provided that in each province of the Dominion of Canada the  
legislature may exclusively make laws in relation to matters  
20 coming within the classes of subjects thereafter mentioned;

Therefore Her Majesty, by and with the advice and  
consent of the Legislative Assembly of the province of Ontario,  
enacts as follows:—

1. In matters within the jurisdiction of the Legislature of Powers vested  
in Lieutenant-  
Governor.  
25 the province, all powers, authorities and functions which, in  
respect of like matters, were vested in or exercisable by the  
governors or lieutenant-governors of the several provinces now  
forming part of the Dominion of Canada or any of the said  
provinces, under commissions, instructions or otherwise, at or  
30 before the passing of the said Act are, and shall be (so far as  
this legislature has power thus to enact) vested in and exercis-  
able by the Lieutenant-Governor or Administrator for the time  
being of this province, in the name of Her Majesty or otherwise  
as the case may require; subject always to the Royal Preroga-  
35 tive as heretofore.

2. The preceding section shall be deemed to include the Power to  
remit  
sentences.  
power of commuting and remitting sentences for offences  
against the laws of this province, or offences over which the  
legislative authority of the province extends.

40 3. Nothing in this Act contained shall be construed to imply Construction  
of Act.  
that the Lieutenant-Governor or Administrator has not had  
heretofore the powers, authorities and functions in the preced-  
ing two sections mentioned.

No. 148.

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2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL.

An Act respecting the Executive Administration of Laws of this Province.

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First Reading, 8th March, 1888.

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THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 24 of *The Municipal Act* is amended by adding  
5 thereto the following as sub-sections:—

Rev. Stat. c.  
184, s. 24,  
amended.

(4) In case a petition signed by two hundred qualified electors of an incorporated village or a rural municipality, defined by metes and bounds in the petition, be presented to the council of such town, incorporated village, or rural municipality asking  
10 that a by-law be submitted for the annexation of such town, incorporated village, or specified part of such rural municipality to an adjacent village, town, or city, either unconditionally or upon such terms as may be set out in said petition, it shall be the duty of such council to submit a by-law for the annexation  
15 of the said incorporated village, town, or part of such rural municipality to the vote of the property holders of the said town, village, or part of such rural municipality, and said council shall forthwith prepare a by-law directing the submission of the question in accordance with the prayer of the  
20 petitioners, and shall submit the same to the electors for approval or otherwise within four weeks after the receipt of the petition by the council.

(5) A by-law which is duly carried under the provisions of the last preceding sub-section by the vote of the qualified electors  
25 shall, within a reasonable time, but not exceeding two months thereafter, be passed by the council.

2. Section 68 of the said Act is hereby repealed, and the following substituted therefor:—

Rev. Stat. c.  
184, s. 68,  
repealed.

68. The council of every city shall consist of the mayor (who  
30 shall be the head thereof), and three aldermen for every ward, when there are less than ten wards, and of two aldermen when there are ten or more wards, to be elected in accordance with the provisions of this Act.

City councils.

3. In any case where the resident freeholders of any city or  
35 town, to the number of at least one hundred, petition the council, alleging the expediency of, and praying that a new division into wards may be made of the city or town without reducing the number of wards, or that such new division may be made reducing the number of wards to nine or less, it shall  
40 be the duty of the council, and the council shall, at the time of the holding of the next municipal elections, submit the question of such new division, as prayed by the petition, to the

Re-division of  
wards in cities  
and towns.

vote of the persons entitled to vote at the municipal elections ; and, in the event of a majority of the electors voting thereon voting in favour of the petition, it shall be the duty of the council, and the council shall, within a reasonable time after the taking of the vote, sub-divide the city or town into wards, 5 so as to give effect to the prayer of the petition and vote of the electors ; and such new division shall, so far as possible, be based upon assessed values of property, population, and territorial extent, and shall be given effect to in accordance with the provisions of section 22 of *The Municipal Act* in that 10 behalf.

Commission of enquiry as to wards.

4. In case any council neglects or refuses to make a new sub-division of any city or town into wards under the provisions of the last preceding section, for three months after the same shall have been voted upon and approved of by the 15 electors, and in case one-third of the members of the council or one hundred duly qualified electors of the municipality petition for a commission to issue under the great seal to enquire into the existing division of such municipality into wards and for a new division in accordance with the expressed wish of the 20 electors, as evidenced by their vote, to be taken in manner aforesaid, and if sufficient cause is shown, the Lieutenant-Governor in Council may issue a commission accordingly, and the commissioner or commissioners, or such one or more of them as the commission empowers to act, shall have the same 25 power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence as any court has in civil cases.

Commissioners to prepare a scheme of division.

5.—(1) The commissioners so to be appointed as aforesaid shall within a reasonable time report a new division into wards 30 of the municipality in accordance with the prayer of the petition, having regard to the provisions of this Act as to equality of representation, to the Provincial Secretary, who shall forthwith transmit a copy thereof to the council, and cause the same to be published for one month in the *Ontario Gazette*, 35 and once in each week for four weeks in one or more newspapers published in the municipality, naming a day when the same will be taken into consideration by the Lieutenant-Governor in Council, when all parties interested, opposed thereto, and who petition to be heard, shall have an opportunity of 40 being heard and being represented by counsel in that behalf.

(2) The Lieutenant-Governor in Council may, within three months after the receipt of the report of the commissioners, by proclamation divide the city or town into wards, making such changes in the report of the commissioners as may seem 45 expedient, provided that the number of wards shall not exceed the number approved of by the vote of the electors.

(3) The expenses to be allowed for executing the commission shall be paid by the municipality pursuant to the provisions of section 384 of *The Municipal Act*. 50

Penalty for personation.

6. Every person who, at an election, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who having voted once at an election applies at the same election for a ballot paper in his own name shall, on conviction thereof,



be liable to imprisonment for a term not exceeding two years with hard labour in addition to any other punishment to which he is liable for the offence.

Every person who aids, abets, counsels or procures the commission of any such offence shall be liable to be indicted and punished as a principal offender.

7. Section 366 of the said Act is amended by inserting after the word "company," occurring at the end of the third line thereof, the words "or any company or institution incorporated for agricultural, educational, literary, scientific or benevolent purposes." Rev. Stat. c. 184, s. 366, amended.

8. Section 434 of the said Act is hereby amended by adding thereto the following sub-sections :— Rev. Stat. c. 184, s. 434, amended.

(2) In every city when the population exceeds the board of commissioners of police shall have the following powers, and it shall be their duty :—

- (a) To purchase or rent sites for police stations and stables for police purposes, and to build, repair, furnish and keep in order the said stations, stables and appendages, lands, enclosures and movable property, including any existing buildings provided by the municipality and used for police stations and stables at the time of the passing of this Act, and to purchase clothing, arms, accoutrements, electrical machinery for patrol service, horses, waggons and all other articles and equipment useful and necessary for the effective maintenance of the police force and police service.
- (b) To enter into any contracts that may be necessary or they may deem expedient for the supply to the board of commissioners of police of all or any of the articles required for the police or for the performance of any services required in connection with the working of the police department of the city.
- (c) To prepare from time to time and lay before the city council on or before the first day of February in each year an estimate of the sums which they think requisite for all necessary expenses for the maintenance and working of the police department of the said city for the current year.
- (d) To submit all accounts, books and vouchers to be audited by the city auditors, and it shall be the duty of such auditors to audit the same.
- (e) To give orders on the city treasurer for all moneys expended for police purposes.
- (f) To transmit each year to the city council not later than the first of February the annual report of the receipts and expenditures of the department, together with full details of the strength and disposition of the police force in the said city, the number of arrests made, the nature of the offences committed, how disposed of, ages, nativity, religion and

sex of offenders, arrests made in each police precinct or division during the preceding year, the number of charges and disposition thereof against members of the force, the number of inquests, lost children, occurrences, value of property recovered, the value of the same restored to owners, the number of waifs provided with shelter at the different stations, returns of warrants of distress and warrants of commitment; also, a nominal and descriptive roll of the police force as of the first of January in such year, and such other information as the board of commissioners may deem useful and proper. The said annual report shall also be accompanied by a report of the medical officer of the force. 5

(g) The said board of commissioners of police shall have the same power to take and acquire land for a site for a police station or for enlarging police premises already held as possessed by the public school board under *The Public Schools Act*. 15

(3) The council of the said city shall levy and collect upon the taxable property within the municipality in the manner provided in the Municipal and Assessment Acts such sums as may be required by the board of commissioners of police for police purposes. 20

(4) The said board of commissioners of police shall be entitled to include in their annual estimates the sum of \$800 for the remuneration of the permanent members of the board, the said sum to be apportioned as the commissioners shall by resolution of the board determine. 25

(5) The police commissioners of any city within the provisions of this Act shall be a corporation under the name of "The Board of Commissioners of Police of the City of" 30

The board, "a majority of whom shall form a quorum," shall be constituted by the election annually of a chairman.

The chief of police for the time being shall be the *ex-officio* secretary of the said board. 35

(6) The said board may pass such regulations and by-laws for their own government from time to time as they shall deem necessary and expedient.

Rev. Stat. c.  
184, s. 436,  
amended.

9. Section 436 of the said Act is amended by adding there- to the following sub-section:— 40

(3) The board of commissioners of police and the council of any city in which there is no board of commissioners of police may pass by-laws defining areas or districts and localities in the city within the limits of which no livery stable, boarding or other stables shall be established in which horses are to be kept for hire or express purposes. 45

Rev. Stat. c.  
184, s. 473,  
repealed

10. Section 473 of the said Act is hereby repealed and the following substituted in lieu thereof:—

Compensation  
for use of  
court house,  
etc.

473.—(1) While a city or town uses the court house, gaol or house of correction of the county, or while the county uses the court house, gaol or house of correction of a city or town, as the case may be, the municipality owning the court house, 50

gaol or house of correction shall be entitled to such compensation from the other municipality for the use of the said court house, gaol or house of correction as well as for the care and maintenance of prisoners as may be mutually agreed upon or settled by arbitration under this Act.

(2) In case of arbitration under the preceding provision of this section in determining the compensation to be paid for the care and maintenance of prisoners confined in the gaol, the arbitrators shall take into consideration the original cost of the site and the erection of the gaol buildings, the cost of repairs and insurance, and the cost of maintaining and supporting the prisoners as well as the salaries of all officers and servants connected therewith, and shall award compensation according to a per diem rate for each prisoner for the time he is confined in gaol.

Matters to be considered in determining compensation

11. Sub-section 1 of section 480 of the said Act is amended by striking out of the second line thereof the words "with any water-works or water company."

Rev. Stat. c. 184, s. 480 (1) amended.

12. Sub-section 30 of section 489 of the said Act is hereby amended by adding after the word "any," in the first line thereof, the words "person or persons or any."

Rev. Stat. c. 184, s. 489 (30) amended.

13. Section 496 of the said Act is hereby amended by adding thereto the following sub-section :

Rev. Stat. c. 184, s. 496, amended.

(43.) For defining areas or districts within which no mill, factory, machine shop, livery, sales or boarding stables for horses, blacksmiths' shops, forge or foundry shall be erected or other like industry, business or trade be established or carried on; and for prohibiting the same; and in case the majority of the persons as shown by the last revised assessment roll to be the owners, representing at least one-half in value of all the real property situate within any district or area of any city, town or incorporated village described in the petition, do petition the council of the municipality, praying that thereafter no person shall be permitted to erect, set up or operate any factory, foundry, machine shop, blacksmith shop, forge or livery, sales or boarding stables for horses, or carry on any like calling or business within the limits of the area or district mentioned in the petition, it shall be the duty of the council and the council shall forthwith give public notice of the receipt of such petition by publication of a notice in at least two of the newspapers published in the municipality, or in the case of villages, in a newspaper published in the village or in the county town, and it shall be the duty of the said council, and they shall, within a reasonable time after the receipt of such petition, pass a by-law or by-laws to give effect to the prayer thereof, and no person shall, after the publication of such notice, commence the erection of any new works or the refitting and repair of any old works or shops for the purpose of carrying on any trade, business, manufacture or calling mentioned in such petition and to be prohibited by any such by-law.

14. Section 507 of the said Act is hereby amended by inserting after the word "municipality," in the second line thereof, the words "or any contract has been made with any

Rev. Stat. c. 184, sec. 507, amended.

person or persons for the supply of water for the municipality," and after the word "company," in the fourth line thereof, the words "or such person or persons," and after the word "company," in the sixth line thereof, the words "or to such person or persons," and after the word "company's," in the said sixth line, the words "or such person or persons," and after the word "company," in the tenth line thereof, the words "or such person or persons."

Rev. Stat. c.  
184, s. 510,  
amended.

**15.** Section 510 of the said Act is amended by adding at the end thereof the words "and for defining localities or districts within the limits of which no livery or boarding stable shall be established." 10

Rev. Stat. c.  
184, s. 531 (4),  
repealed.

**16.** Sub-section 4 of section 531 of the said Act is repealed and the following substituted therefor:—

(4) In case an action is brought against a municipal corporation to recover damages sustained by reason of the obstruction or want of repair of any public road, street, highway or bridge, or the approaches thereto, or of any sidewalk, street crossing, drain, sewer or culvert, when such obstruction or want of repair is occasioned by the neglect or wrongful act of another corporation or person other than a servant or agent of the municipal corporation, the last mentioned corporation shall have a remedy over against the other corporation or person for and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in the action may recover against the municipal corporation; provided, nevertheless, that the municipal corporation shall only be entitled to the said remedy over if the other corporation or person shall be or be made a party to the action, and if it shall be established in the action as against the other corporation or person that the damages were sustained by reason of an obstruction or want of repair occasioned by the negligence or wrongful act of such other corporation or person and the municipal corporation against whom any such action is brought in the first instance may in such action have the other corporation or person added as a party defendant or third party for the purposes hereof, if the same is not already a defendant in the action jointly with the municipal corporation, and the other corporation or person may defend such action as well against the plaintiff's claim as against the claim of the municipal corporation to a remedy over, and the court or judge upon the trial of the action may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases. 15  
20  
25  
30  
35  
40

Rev. Stat. c.  
184, s. 612 (4),  
amended.

**17.** Sub-section 4 of section 612 of the said Act is hereby amended by adding thereto the following:— 45

(d) The council may especially assess and levy upon and collect from lands and premises adjoining public parks, squares, drives and boulevards special rates, as for local improvements, when any improvement made in any such park, square, drive or boulevard specially benefits such adjoining lands and premises; and no petition against any such assessment shall avail to prevent the carrying out of any improvement or service in any such park, square, drive or boulevard, and the making of such special assessment. 50

18. Sections 618 and 619 of the said Act are repealed, and the following enacted in lieu thereof:—

Rev. Stat. c.  
184, ss. 618,  
619, repealed.

Cost of opening and extending streets.

618.—(1) When it shall in the opinion of the council of any township, city, town or incorporated village be deemed expedient and necessary to construct, reconstruct or repair any sewer or to construct, reconstruct or repair bridges or culverts on or in any street, lane or alley, or to open up and extend any street, lane or alley within the limits thereof for the more immediate convenience or benefit of any locality within such limits, and the council is of opinion that from any cause it is inequitable to charge the whole cost of the improvement on the lands fronting thereon, the council shall determine what lands are benefited by the construction, reconstruction or repair of any such sewer, bridge or culvert or by the extension, opening up and improving such street, lane or alley, and the proportion in which the cost thereof shall be assessed against the land so benefited, and also the proportion, if any, of the cost of the improvement or repairs which shall be assumed by the township, city, town or incorporated village as its share thereof; provided always that the share or proportion of the cost of any such improvement assumed by the municipality may be provided for by the issue of debentures upon the credit of the municipality at large, in like manner as in the case of the share of the municipality of other local improvements; provided also, that all assessments made under the above provisions shall be subject to an appeal to the judge of the county court, in like manner as in the case of other special assessments for local improvements under the provisions of this Act.

(2) In any case when the council affirms by a two-third vote thereof that the construction or reconstruction, erecting or making of any sewer, bridge, culvert or embankment, or the extension and opening up or paving of any street, benefits the municipality at large, and that it would be inequitable to raise the whole cost of such improvement or work by local special assessment, the council may pass a by-law for borrowing money by the issue of debentures upon the credit of the municipality at large to provide as the corporation's share of any such improvement or work an amount not exceeding one-half of the whole cost thereof, and no such by-law shall require the assent of the electors before the final passing thereof.

619. If in the case of the construction, reconstruction or repair of any sewer, bridge, culvert or the opening up and extension or paving of any street, lane or alley, the council shall determine what real property other than that fronting or abutting upon the street, lane or alley whereon or wherein the improvement is made, or to be made, is specially benefited and ought to be charged with a part of the cost thereof, and shall determine the proportion in which the cost of the improvement shall be assessed against the land so benefited, the council shall assess and levy the proportion of the cost of the improvement chargeable against the lands benefited but not fronting or abutting upon such street, lane or alley by a frontage rate, in like manner as the same would be assessed and levied in the case of lands fronting or abutting upon the street, lane or alley whereon or wherein the improvement is made, or to be made.

Assessment of lands benefited by improvements when land does not front on street on which improvement is made.

Rev. Stat. c.  
184, s. 621 (4)  
repealed.

19. Sub-section 4 of section 621 of the said Act is hereby repealed, and the following is enacted in lieu thereof:—

Property  
charged with  
local improve-  
ments to be ex-  
empt from gen-  
eral rates for  
same purpose.

(4) Any real property specially assessed by any council for any local improvement or work under this Act, and real property where such improvement or work has been done with moneys provided by the owners of such real property, and real property the owners of which have constructed their own works and improvements which would otherwise have been constructed by the municipality as local improvements shall be exempted by the council from any general rate or assessment for the like purpose except the cost of works and improvements at the intersections of streets and except such portion of the general rate as may be imposed to meet the cost of works and improvements opposite real property which is exempt from such special assessment, and such real property so specially assessed as aforesaid shall also be exempted by the council from any general rate or assessment for the maintenance and repair of like works and improvements not constructed as local improvements, except such portion of such maintenance and repair rate as may be imposed to meet the cost of repairs of street-intersections and opposite real property exempt from special assessments and for the maintenance and repair of works and improvements constructed as local improvements.

By-laws for  
special assess-  
ments for local  
improve-  
ments.

20. In case the resident freeholders of any city, town or incorporated village to the number of at least one hundred petition the council praying that a by-law may be passed with the assent of the electors, according to the provisions of *The Municipal Act*, directing that all future expenditure of the municipality for the improvements and services or for any class or classes of improvements or services for which special provision is made in sections 612 and 629 of the said Act, shall be provided for by special assessment on the property benefited and not exempt by law from assessment, it shall be the duty of the council and the council shall, within a reasonable time after the presentation of such petition, submit a by-law in accordance with the prayer of the petition to the vote of the duly qualified electors; and in the event of the by-law being carried by the vote of a majority of the electors voting thereon, it shall be the duty of the council, and the council shall finally pass the said by-law within a reasonable time after the taking of the vote thereon.

Property  
liable for  
assessment for  
local im-  
provements.

21. In case the council of any city, town or incorporated village shall at any time pass a by-law or by-laws with the assent of the electors according to the provisions of section 625 of *The Municipal Act* directing that all future expenditure of the municipality for the improvements, works and services or for any class or classes of the improvements, works or services for which special provisions are made in sections 612 and 629 of the said Act, shall be provided for by special assessment on the property benefited, all real property in the municipality not declared exempt from assessment or taxation by *The British North America Act, 1867*, shall forthwith thereafter become liable to be assessed for the various local improvements, works and services included in the by-law or by-laws passed as aforesaid, notwithstanding anything contained in section 7 of *The Assessment Act*.

(2) In the event of the passage of a by-law as above provided, all works of repair and maintenance as well as works of construction shall thereafter be charged against and provided for by special assessment upon the property benefited, and the cost of all improvements, works, and services at the intersection of streets, and all flanking allowances upon corner lots and other irregular shaped pieces of property, shall be charged against and provided for by special assessment upon the real property benefited by the improvements, works, or services within the area or district within which such street, intersections, corner lots, or irregular shaped pieces of land are situate, as defined by by-law in that behalf.

22. Section 629 of the said Act is amended by adding thereto the following sub-section. Rev. Stat. c.  
184, s. 629,  
amended.

15 (5) The council may pass any of the said by-laws unless a petition against the same, signed by the majority of the owners of such real property representing at least one half in value thereof, is presented to the council within one month after publication of notice of such proposed assessment, and all the provisions of sub-section 4 of section 612 of this Act as to the petition and notice therein mentioned shall apply to the petitioner and notice under this sub-section.

No. 149.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act to amend the Municipal Act.

First Reading, 9th March, 1888.

Mr. LEYS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



An Act to amend the Act to secure to Wives and Children the Benefit of Life Insurance.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The expressions "Contract of Insurance," and "Policy of Insurance," and "Policy," wherever they occur in *The Act to secure to Wives and Children the Benefit of Life Insurance*, include any certificate or contract hereinafter mentioned or in any way relating to life insurance. Interpretation. Rev. Stat. c. 136.
2. The provisions of the said Act extend and apply to membership, beneficiary and other certificates and contracts relating to life insurance issued or entered into by any society or association of persons for any fraternal, provident, benevolent, industrial or religious purpose, among the purposes of which is the insurance of the lives of the members thereof exclusively, or by any association for the purpose of life insurance formed in connection with any such society or organization and from its members, and which insures the lives of such members, including certificates or contracts heretofore issued or entered into. Application of Rev. Stat. c. 136.
3. Section 6 of the said Act is amended by inserting after the word "vary" in the third line thereof the following words, "a policy or a declaration or," and by inserting after the word "expressed" in the fifth line thereof, the words "or declared," and by inserting after the word "benefit" in the sixth line thereof, the following words, "of the wife and children or." Rev. Stat. c. 136, s. 6, amended.
4. Section 24 of the said Act is amended by inserting after the word "benefited" therein, the words "whether by original insurance, by written declaration or instrument of apportionment." Rev. Stat. c. 136, s. 24, amended.

No. 150.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Act to secure to Wives and Children the Benefit of Life Insurance.

First Reading, 9th March, 1888.

MR. GUTHRIE.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to amend the Municipal Act.

• **H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. When any township municipality is divided by Act of this Legislature for municipal purposes, all school sections which may, by such division, be situated partly in each of the newly formed municipalities, shall be deemed union sections until otherwise altered under the provisions of *The Public Schools Act*. School sections in townships divided by special Act.
2. When any portion of a township municipality is annexed to a city or town by proclamation, the portion so annexed shall, for all school purposes, be deemed to be part of such city or town, subject to all existing liabilities and obligations that may have been incurred at the date of such proclamation; provided always that when the portion annexed does not include the whole of any contiguous school section, the respective municipalities shall appoint an arbitrator, who, with the senior county judge of the county, shall value and adjust, in an equitable manner, the rights and claims of all parties affected by such annexation, and who shall determine by what municipality or portion thereof the same shall be settled, and the award of said arbitrators shall be final and conclusive. Provisions as to schools when territory added to a municipality.
3. This Act shall apply to all townships divided by Act of this Legislature, and to all proclamations issued since the first day of January, 1887. Application of Act.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Municipal Act.

First Reading, 9th March, 1888.

Mr. BALFOUR.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

## An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 436 of *The Municipal Act* is amended by adding the following sub-sections thereto:—

Rev. Stat. c.  
184, s. 436,  
amended.

3. In cities having a population of                      and upwards, the board of commissioners of police shall also have and exercise in lieu of the council of such city, all the powers conferred upon the council by this Act in respect to the several persons, callings, matters, and things following, that is to say:—

- (1) Pawnbrokers.
- (2) Hawkers, peddlers and petty chapmen.
- (3) Milk vendors.
- (4) Keepers of :
  - (a) Intelligence offices.
  - (b) Billiard and bagatelle tables.
  - (c) Bowling alleys.
  - (d) Roller skating rinks.
  - (e) Rifle or shooting galleries.
  - (f) Victualling houses, ordinaries and other places of refreshment or entertainment for the public.
  - (g) Lodging houses for transient customers.
  - (h) Public boathouses.
- (5) The retail sale of cigars, cigarettes and tobacco.
- (6) Exhibitions of sparring or boxing, circus riding, rope dancing, and tumbling, aerobic and gymnastic performances and all other like performances and exhibitions where the object is police protection and surveillance rather than the collection of revenue.

4. The board of commissioners of police shall also regulate and control children engaged as :

- (1) Express or despatch messengers.
- (2) Vendors of newspapers and small wares.
- (3) Scotblacks.

2. Section 462 of the said Act is amended by adding the following sub-sections thereto:—

Rev. Stat. c.  
184, s. 462,  
amended.

(3) For erecting and establishing within the city or town on any ground held by the corporation, an institution for the reclamation and cure of habitual drunkards.

(4) For committing and sending with or without hard labour to the institute for the reclamation and cure of habitual drunkards by the mayor, police magistrate or justice of the peace, while having jurisdiction in the municipality, such drunkards as are set forth or referred to in section 369 of chapter 48 of the Acts passed in the thirty-sixth year of Her Majesty's reign, and as may by the council be deemed and by by-law be declared expedient. 5

(5) In the event of any city or town establishing an institution for the reclamation and cure of habitual drunkards 10 under the provisions of this Act, sections 97 to 108, both inclusive, of chapter 246 of the Revised Statutes of Ontario, 1887, shall be applicable thereto as if such institution had been named in said Act.

Rev. Stat. c.  
184, s. 550,  
amended.

**3.** Sub-section 5 of section 550 of the said Act is amended 15 by adding a proviso at the end thereof, as follows:—

Provided always that no toll gate shall be erected or maintained, nor shall any toll be collected within the limits of any city or town without the express sanction of the council of the city or town, granted by by-law duly passed in that behalf. 20

Rev. Stat. c.  
184, s. 550,  
amended.

**4.** Sub-section 1 of section 550 of the said Act is amended by inserting after the word "contained," in the seventh line thereof, the words "for setting apart and laying out such portions of any such roads, streets, squares, alleys, lanes, bridges or other communications, as the council may deem 25 necessary or expedient for the purposes of carriage ways, boulevards and sidewalks, or for the improvement or beautifying of the same.

Rev. Stat.  
c. 184, s. 550,  
amended.

**5.** The said section 550 of the said Act is hereby further amended by adding the following sub-section thereto:— 30

(3) For extending, opening up, making and improving any public street or drive through any burial ground or cemetery when the same can be done without disturbing any grave wherein any person shall have been buried in such cemetery or burial ground. 35

Rev. Stat. c.  
184, s. 555,  
amended.

**6.** Section 555 of the said Act is amended by adding the following sub-section thereto:—

(3) In any case where a public street or square or drive forms the boundary between any two or more municipalities, although such street, square or drive may be wholly within the limits of 40 one of such municipalities or partly in each, the councils of such municipalities may make and enter into any agreements and pass any by-laws proper and necessary to provide for the construction and maintenance of any one or more of the street improvements or works, and the performance of any one or 45 more of the street services for which provision is made in this Act in sections 612 to 629 both inclusive—and every such council may pass by-laws for assessing and levying upon the real property benefited, and situated within its jurisdiction and for collecting the proportion or share of the cost of any such 50 improvement, work or service assumed under any such agreement by the municipality in the same manner and with the

like remedies as if the improvement had been made or work had been done or service had been rendered upon or in a street within the municipality and the whole of the cost thereof was assessable upon real property, the whole of which was situate in the same municipality.

7. Sub-section 4 of section 612 of the said Act is amended by striking out the words "according to the frontage thereof upon the real property," occurring in the second and third lines thereof, and substituting therefor the words "upon the assessed value of the real property exclusive of the improvements made thereon," and also by adding thereto the following sub-sections :—

Rev. Stat. c.  
184, s. 612 (4),  
amended.

(d) If in any case the council is of opinion and affirms by a three-fourths vote of the whole council that it is desirable and necessary that any one or more of the local improvements, works, or services, for which provision is made herein, should be constructed, or made, performed, or rendered upon or in any street, square, or place, although no petition shall have been presented to the council praying for the same, the council may give notice of their intention, as above provided, to make and carry out the said improvement or work or perform the said service as a local improvement to be paid for by local special assessments upon the real property specially benefited, and, although a petition duly signed by the majority of the owners of such real property, representing one-half in value thereof, may be presented to the council within the time limited in that behalf, the said council may, by a three-fourths vote of the whole council, ignore the said petition and direct the proposed improvement or work to be made or done or service to be performed, and the cost thereof to be assessed upon the real property benefited as if no such petition had been presented.

(e) It is hereby declared that nothing herein contained shall be deemed to take away from or deprive the owners of real property of the right of petitioning for or against any proposed local improvement, work, or service and the local special assessment therefor; but, unless in this Act otherwise provided, it shall be optional with the council whether they shall grant or refuse the prayer of any such petition.

(f) The council shall, in all cases, have the right to determine the character of any roadway, sidewalk, sewer, or other improvement, the mode of construction thereof, and the material with which the same shall be constructed.

8. Section 613 of the said Act is amended by adding thereto a sub-section as follows :—

Rev. Stat. c.  
184, s. 613,  
amended.

(2) In any case where, in order to afford an outlet for the sewerage and drainage of real property other than that fronting or abutting upon the street in which a sewer is constructed; such sewer is constructed of a larger capacity than that required

for the efficient sewerage and drainage of the real property fronting or abutting upon the street, then, and in every such case, the council may impose a special assessment upon the other real property benefited by the construction of such sewer in the manner hereinafter provided by sections 618 and 619 of this Act. 5

Rev. Stat. c.  
184, s. 617,  
amended.

**9.** Section 617 of the said Act is amended by adding thereto the following sub-section :—

(2) Real property adjoining and fronting or abutting upon any public drive or boulevard shall be specially assessable for and in respect of the improvements, works, and services made, done, or provided upon or in any such drive or boulevard in like manner as real property fronting or abutting upon any public street. 10

Rev. Stat. c.  
184 s. 619,  
amended.

**10.** Section 619 of the said Act, is amended by striking out the words "by a frontage rate" occurring in the twelfth line thereof. 15

Rev. Stat. c.  
184, s. 623,  
repealed.

**11.** Section 623 of the said Act is hereby repealed.

Rev. Stat. c.  
184, s. 625 (3),  
repealed.

**12.** Sub-section (3) of section 625 of the said Act is hereby repealed. 20





**BILL.**  
An Act to amend the Municipal Act.

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First Reading, 12th March, 1888.

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**MR. E. F. CLARKE,**  
*(Toronto.)*

## An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-sections 3, 4, 5, 7, 9, 10 and 12, and all that part of sub-section 25 of section 7 of *The Assessment Act*, commencing with the word "and," at the beginning of the fourth line thereof, are hereby repealed. Rev. Stat. c. 193, s. 7, part repealed.

2. Sub-section 2 of section 34 of the said Act is hereby repealed, and the following enacted in lieu thereof:— Rev. Stat. c. 193, s. 34(2), repealed.

10 (2) The pipes, mains, posts, lamps and all other property belonging to any gas company, whether situate upon or in their own real property, or upon or in the real property of or belonging to any other person, or upon or in any public highway, street, place, square, park or other public place, the superstructure, rails and works and other property of and belonging to any street railway or tramway company situate upon or in any public street or place, and the poles, wires, cables and all other plant and apparatus of and belonging to any electric telegraph, telephone or electric light company, shall be deemed, 20 and are hereby declared to be personal property and assessable like other personal property not declared to be exempt from assessment by this Act. Property of certain companies to be deemed personal property and assessable.

No. 153.

2nd Session, 6th Legislature, 51 Vic, 1888

BILL.

An Act to amend the Assessment Act.

First Reading, 12th March, 1888.

MR. E. F. CLARKE,  
(*Toronto*).

TORONTO:

PRINTED BY WABWICK & SONS, 26 AND 28 FRONT ST. W.

An Act for the Protection and Reformation of  
Neglected Children.

HER MAJESTY by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. In this Act, the word "judge" means a judge of the High  
5 Court of Justice, or a judge of a County Court, or a retired  
judge of the High Court or a County or District Court, or a  
stipendiary magistrate, or a police magistrate, or a justice of  
the peace specially appointed as commissioner for the trial of  
juvenile offenders. Interpreta-  
tion.
- 10 A judge or retired judge of the High Court shall have juris-  
diction under this Act in any part of the Province. Any other  
judge, stipendiary magistrate, police magistrate, or justice of  
the peace specially appointed as aforesaid, shall have jurisdic-  
15 tion in the county or other locality for which he holds his  
office. A retired judge shall have jurisdiction in the province,  
county, or district for which he was judge at the time of his  
retirement.
2. On proof that a child under fourteen years of age, by  
reason of the neglect, crime, drunkenness, or other vices of  
20 its parent, or from orphanage, or any other cause, is growing  
up in circumstances exposing such child to bad, or dissolute  
life, or on proof that any child under fourteen years of age,  
being an orphan, has been found begging in any street, high-  
way, or public place, a judge may order such child to be com-  
25 mitted to any Reformatory, Industrial School or Refuge for  
boys or girls, or other institution, subject to the inspection  
of the Inspector of Prisons and Asylums, or to any suitable  
charitable society authorized under *The Act respecting Appren-  
tices and Minors*, and willing to receive such child, to be there  
30 kept, cared for and educated, for a period not extending  
beyond the period at which such child shall attain the age  
of eighteen years. Committal to  
Industrial  
School, etc., of  
child under 14  
years of age.
3. Any child apparently under the age of sixteen years found  
frequenting, or being in the company of, reputed thieves or  
35 prostitutes, or frequenting or being in a reputed house of pros-  
titution or assignation, or living in such a house either with or  
without the parent or guardian of the child, may be arrested  
and brought before the judge, and may be by him committed  
to any such institution as mentioned in the preceding section. Committal of  
child to re-  
formatory,  
industrial, or  
charitable  
institution.

Notice to  
parents or  
guardians of  
children.

4. When any such child is so brought before a judge a summons shall be issued to the father of the child, if living and resident within the place where the child was found; and if not then to the mother, if she is living and so resident; and if there is no such father or mother, then to the lawful guardian if there be one so resident; and if not, then to the person with whom, according to the statement of the child, he or she resides; and if there is no such person, the judge may appoint some suitable person to act in behalf of the child, requiring him or her to appear at a time and place stated in the summons, and to shew cause, if any there be, why the child should not be committed to a reformatory, refuge, industrial school or other charitable society aforesaid. And if the judge is of opinion that the child should be sent to any such institution as aforesaid, he may order the child to be committed accordingly; or the judge may sentence the child to any other punishment provided by law for the offence. 5 10 15

Religion of the  
offender.

5. No Protestant child shall be committed under this Act to a Roman Catholic institution, and no Roman Catholic shall be committed to a Protestant institution. The certificate of one of the Inspectors of Prisons and Asylums shall be sufficient as to the character of an institution for the purpose of this section. 20

Liability of  
municipality  
for support.

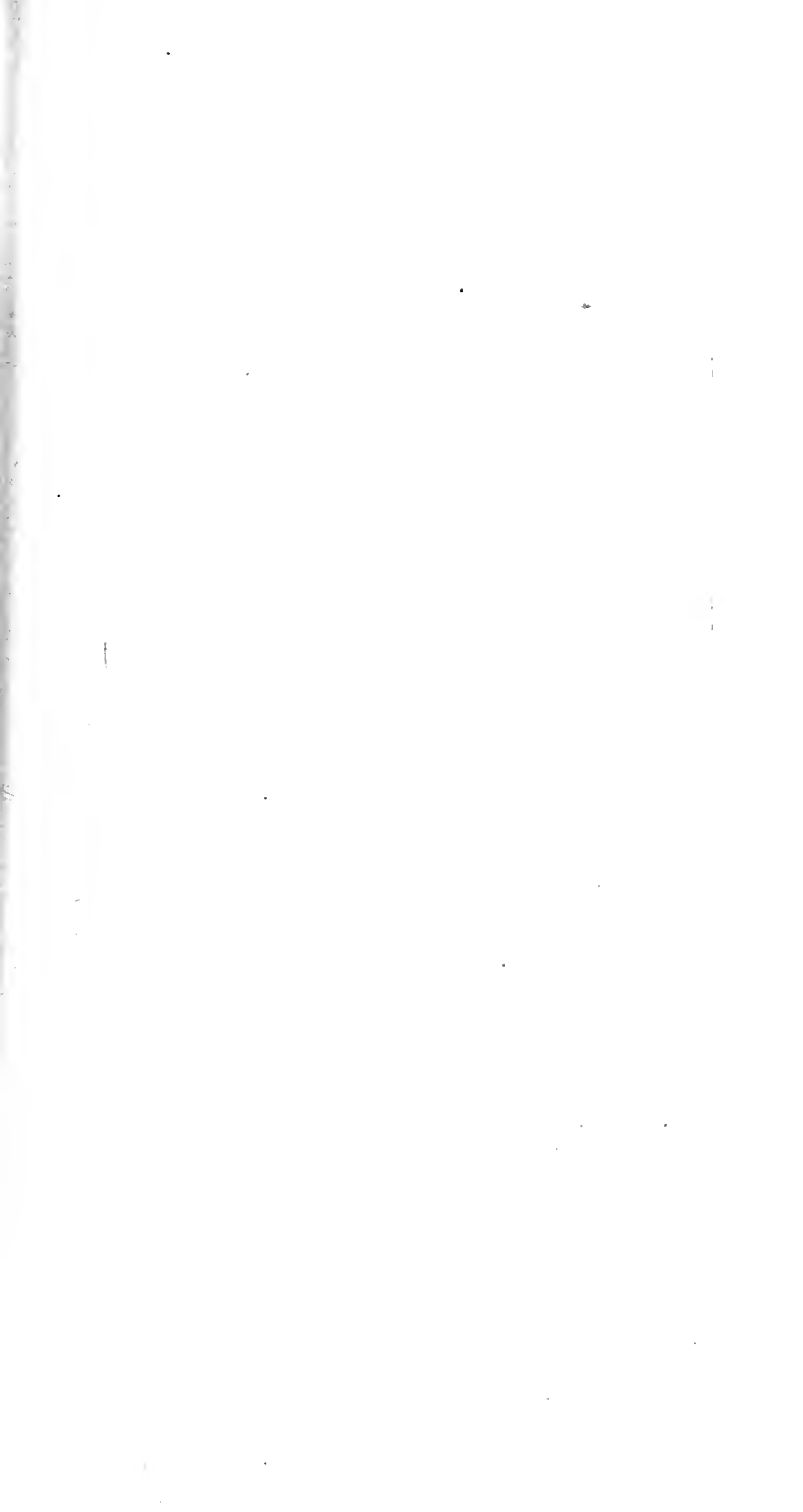
6. The municipality within which the child is resident at the time of the committal shall be liable for the maintenance of the child to an extent not exceeding two dollars per week. The judge's certificate as to the residence of the child shall be sufficient *prima facie* evidence thereof. 25

Appointment  
of commis-  
sioners to try  
juvenile  
offenders.

7. The Lieutenant-Governor may, upon the request of any municipal council, appoint a commissioner or commissioners each with the powers of a police magistrate to hear and determine complaints against juvenile offenders, apparently under the age of sixteen years. 30

Juvenile of-  
fenders to be  
tried apart  
from other  
offenders.

8. Persons under the age of twenty-one years who are charged with offences against the laws of this Province, or who are brought before a judge under this Act, shall, as far as practicable, be tried, and their cases disposed of, separately and apart from other offenders, and at suitable times to be designated and appointed for this purpose. 35



No. 154.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

Act for the Protection and Reformation of  
Neglected Children.

First Reading, 12th March, 1888.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WATSON & SON, 26 AND 28 FRONT ST. W.



## An Act respecting the Formation of New Counties.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. This Act shall not apply to unions of counties, and shall Not to apply in certain cases.  
 5 apply to such counties only as have a population of 50,000 inhabitants or more.

2. The Councils of any number of adjoining municipalities Petitions to the Lt.-Governor.  
 in a county or counties, district or districts, may, in the Form of Schedule A, or to the like effect, petition the Lieutenant-  
 10 Governor in Council to appoint commissioners to consider the propriety of forming a new county.

3. The new county may be composed of portions of two or New county may be composed of 2 or more counties.  
 more counties or districts, and may take in part or parts of a township or townships, whether incorporated or unincorpor-  
 15 ated, but shall not take in a part of any other municipality.

4. (1) The petition shall set out the territory proposed to be Appointment of Commissioners.  
 comprised in the new county, and in case (1) the councils of a majority of the municipalities within the aforesaid territory  
 join in the petition, and (2) if such majority includes at least  
 20 one-half of the township municipalities, and (3) more than one-half of the last equalized assessed value of all the municipalities within said territory, and (4) includes also a majority  
 of the aggregate population of the proposed county, which  
 25 aggregate population shall not be less than 30,000, the Lieutenant-Governor may, by Order in Council, appoint three County  
 Court judges as commissioners, to consider the propriety of forming a new county, but no appointment shall be made  
 where the proposal submitted would have the effect of reduc-  
 30 ing the population of any county to less than 40,000, and no division shall be sanctioned by the Lieutenant-Governor which  
 has this effect.

(2) No person shall be appointed a commissioner who is a resident of a county affected or of a contiguous county.

5. The population of the different municipalities and coun- Population to be based on Dominion-census.  
 35 ties affected shall be determined by the last Dominion census, or by a special census to be taken under the authority of the Lieutenant-Governor at the expense of the municipalities  
 petitioning, to be apportioned as the Lieutenant-Governor thinks just, provided that in any case where a recent census of  
 40 any municipality has been taken, under the authority of a by-law of a county council or of the local municipality, the  
 Lieutenant-Governor in Council may act upon such census.

Petition to name county town.

6. The petition shall state the place which the majority of the reeves and deputy-reeves of the petitioning councils desire to be named as the county town, and shall also state the number voting for and against such place, and the number of reeves and deputy-reeves to which the said councils are entitled. 5

Place for holding meetings of Commissioners.

7. The commissioners shall hold their meetings at such place or places as may be most convenient for taking evidence and obtaining such information as may be necessary, in order to arrive at a just and equitable conclusion.

Commissioners to take evidence.

8. The Commissioners shall, without delay, take evidence 10 and report to the Lieutenant-Governor amongst other things in regard to the following matters :—

(a) The extent (if any) to which the formation of a new county would facilitate and cheapen the administration of justice to the several portions of the territory affected. 15

(b) The extent (if any) to which the inhabitants of the county as a whole would be inconvenienced or inconvenienced in the transaction of their official business at the Courts, the registry offices and other public offices incident to separate counties. 20

(c) The cost of erecting new county buildings, and other offices, for the officers and servants of the County Council, and the cost of maintaining such officers and servants. 25

Where they report in favour.

(d) In case the commissioners report in favour of the formation of a new county they shall state (1) of what municipalities it should, in their opinion, consist in order to best serve the public interest, (2) the assessed value and population of the old and proposed counties respectively on the basis of their recommendation, (3) approximately, the proportion (if any) in which the new county would equitably be entitled to share in the assets of the old county or counties, (4) what county property (if any) is not needed for the business of the old county, and it is only in respect of property of this kind that an allowance is to be made to the new county; and (5) the most convenient place for the county town. 40

(2) In addition to the matters herein referred to, the commissioners shall report upon all other matters raised by the parties interested, whether mentioned in the preceding sub-sections or not, and upon the expediency of granting the prayer of the petitioners. 45

Compelling the attendance of witnesses, with books etc.

9. The Commissioners may take evidence on oath, if they see fit, or otherwise, and the attendance of witnesses, either with or without books or documents, and their giving of evidence may be required and enforced in the same manner as the attendance of witnesses before arbitrators appointed under *The Municipal Act* may be required and enforced, and the failure of any person to attend to give evidence when duly required, or his refusal to be sworn or to give evidence, or to produce books and documents, shall be punishable by the 50

High Court in the same manner as such failure and refusal would have been punishable had it occurred in respect to an Arbitration under the said Act. Any of the said Commissioners may administer the oath to a witness.

5 **10.** When the commissioners are authorized to make a report or to do any other act or thing, the same may be made or done by any two of them. Report by commissioners

**11.** The costs of the commissioners are to be borne by the Province, the other costs of the proceedings, unless where otherwise provided by this Act, shall be borne by the municipalities interested, whether county or local, in such proportion as the commissioners may direct, and the same shall be taxed, or determined, by the local master of the county, or when more counties than one are interested by the local master of the county having the larger population, unless the commissioners shall direct that they should be taxed or determined by some other person. Cost of proceedings.

**12.—(1)** If the commissioners report in favour of a new county, with the territory and county town named in the petition, the Lieutenant-Governor in Council may direct that a vote of the electors of the territory proposed to be embraced in the new county shall be taken as to the propriety of forming the new county, and may name the day upon which such vote shall be taken in the various municipalities; and the clerk of each municipality shall act as returning officer for his municipality. Vote to be taken.

(2) The council of each municipality shall thereupon, by by-law, appoint deputy returning officers to take the votes of the electors, and the council and clerk of the municipality shall respectively take such other action as may be necessary for the purpose of having due notice given, the vote properly taken, and the proceedings shall be the same, as near as may be, as would be requisite if a vote were being taken upon a by-law submitted for the assent of the electors, and the provisions of *The Municipal Act* with reference to the submission of a by-law to the vote of the electors, including a scrutiny, shall apply to a voting under this Act unless where otherwise herein provided. In lieu of publishing in a newspaper the notice, according to Schedule B annexed to this Act, any council may direct that at least one hundred printed copies thereof shall be posted throughout the municipality. Councils to appoint deputy returning officers, etc.

(3) Every person entitled to vote at an election for members of the council shall be entitled to vote upon the question.

(4) The forms appended to this Act are given as illustrations of the forms to be used, and the same shall be varied as the circumstances may require.

**13.** In case the commissioners disapprove of the county town named in the application, at the same time as the vote is taken upon the formation of the new county, the vote of the electors shall be taken as to their preference for the place named in the application, or for that recommended by the commissioners. When vote may be taken on county town.

Oath to be taken in certain cases.

**14.** No person shall be entitled to vote more than once in any municipality, and any person claiming to vote may be required to take the oath which such person might have been required to take had the voting been in respect of the election of a member of the municipal council.

5

Corrupt practices.

**15.** The penal provisions of *The Municipal Act* for the prevention of frauds or improper conduct at elections and for the prevention of corrupt practices, shall apply to similar acts or omissions at a voting under this Act, and such voting shall be deemed an election within the meaning of the said provisions.

10

Clerks to verify returns.

**16.** The clerks of the various municipalities, upon receiving the returns from the deputy returning officers, shall verify the same, and each clerk shall certify the result, as found by him, of the voting in his municipality to the Provincial Secretary, and shall also certify the figures as returned to him by the different deputy returning officers and shall carefully preserve for inspection upon a scrutiny by the county judge or by any one authorized in that behalf by the Lieutenant-Governor the returns and ballot papers.

20

When commissioners report in favor of different boundaries and different county town.

**17.**—(1) If the commissioners report in favour of a county with boundaries varying from those proposed in the application, and name a different place for a county town, the reeves and deputy reeves of the municipalities comprising the territory proposed by the commissioners, shall meet at such time and place as the Lieutenant-Governor appoints, for the purpose of considering the question of the county town. If a majority of those present are in favour of a place different from that named by the commissioners, the vote of the electors shall be taken as between the place recommended by the commissioners and that chosen by the reeves and deputy reeves under this section, and such vote shall be taken at the same time as the vote is taken on the formation of the new county with the boundaries recommended by the commissioners.

25

30

Where majority are unable to agree.

(2.) If a majority of the reeves and Deputy reeves are unable to agree upon any other place, the place named by the Commissioners shall, if the proposed county is formed, be the county town.

35

(3.) The provisions of the five next preceding sections shall apply to a vote to be taken under this section.

40

How to raise money for new county buildings.

**18.** The reeves and deputy reeves, at the same time as the question of formation is submitted, may cause to be submitted to the vote of the electors, a by-law for the purpose of raising money for the purpose of erecting a court house and gaol, and a registry office, if required, with any other necessary buildings, and of acquiring the requisite land therefor, and in case such proposed by-law is approved of, it shall not be necessary for the provisional council to submit the question to the electors for their assent.

45

When proclamation forming county may be issued.

**19.** If, upon the vote being taken in the municipalities which it is proposed shall form the new county, it be found:—

50

1. That a majority of all the votes cast are in the affirmative;

2. And that the proposal has been carried by a majority of votes in the majority of the municipalities ;

3. And that such majority of the municipalities includes at least half of the township municipalities ;

4. And that such majority of the municipalities contains more than half of the aggregate population of all the municipalities ;

5. And more than half of the last equalized assessed value of all the municipalities ;

10 Then the Lieutenant-Governor may issue his proclamation erecting the territory into a provisional county, by a name to be stated therein.

(2). The proclamation shall name as the county town the place for which the majority of the votes is cast, and shall 15 appoint a time and place for the first meeting of the council, and shall name one of its members to preside in the council until a provisional warden has been elected by the council from among the members thereof.

20 20. The reeves and deputy-reeves of the municipalities of the new county shall be the provisional council.

21. The fact of the conditions precedent to the issuing of a proclamation under this Act, having been performed, shall be conclusively established by the issue of the proclamation.

22. The Lieutenant-Governor in Council may, by an Order 25 in Council, cause to be issued a proclamation, and thereby set apart and establish a registry office for the said provisional county. 38 Vic. c. 31, s. 11, Dufferin. R. S. O. c. 111, s. 3.

23. When the matters and things, which under section 43 and 46 of *The Municipal Act* are required to be done, prior to 30 the issue of a proclamation separating a junior from a senior county, have been done, the Lieutenant-Governor shall issue his proclamation erecting the provisional county into a new county from a day to be named in the proclamation, and the first day of January next, after the issue of the proclamation 35 may be named, notwithstanding that three months do not intervene between the date of the proclamation and the said first day of January. (See R. S. O. 1887, c. 184, s. 47).

24. Unless where inconsistent with this Act, sections 40 to 52 inclusive of *The Municipal Act*, shall be read as forming part of this Act, except that the said sections shall, for the 40 purposes of this Act, be read, substituting the word "new" for the word "junior" wherever the said word occurs in the said sections ; and the words " council of the county or councils of the several counties to which the municipalities belong," 45 (separately or collectively as the sense may require) shall be substituted for the words " council of the union," and " council of the senior or remaining county or counties" (as the case may be) wherever the said words occur in the said sections ; but so that no one of the counties of which any of the municipalities separating form a part shall assume or be required to 50 assume any part of the debt of a municipality which did not

form part of the county before the formation of the new county.

Sections of  
Municipal Act  
relating to  
new corpora-  
tions incor-  
porated.

**25.** Sections 55 to 63 inclusive of *The Municipal Act*, so far as they relate to the dissolution of a union of counties, shall be read as forming part of this Act, so that the provisions therein relating to the new corporation shall be applicable to the new county formed under this Act, and that the provisions therein relating to "union of counties," or "the senior or remaining county" shall be applicable to the county or counties of which the several municipalities forming the new county formed part before the formation of the new county. 5 10

Suits pending.

**26.** All actions and proceedings in any court of law which may be pending at the date the establishment of the new county takes effect, may be prosecuted, continued and completed, and all writs of execution and other processes, and all acts and proceedings subsequent thereto, may be taken, issued, and had in the county in which such actions and proceedings were originally commenced, as fully and effectually as if the municipalities constituting the new county had not been separated from the respective counties of which they had theretofore respectively formed part; and subject to the provisions of section 25, no writ or other process or proceeding shall lose its priority by reason of no entry thereof appearing or being in the proper office in that behalf in the new county; and all officers who would have had power or authority to execute such writ, process or proceedings, if the new county had not been formed, shall, for the purpose of all pending suits, actions and proceedings, have the same power and authority in respect of the same as if the new county had not been formed. See Dufferin Act, 44 V. c. 9, secs. 5-7. 15 20 25 30

Rights of  
sheriff.

**27.** Section 49 of *The Municipal Act*, as made applicable by this Act, shall not, nor shall the *next preceding* section of this Act, be held to authorize the sheriff of any old county to execute within the new county any writ which is not in his hands at the time the proclamation takes effect, unless such writ depends for its priority upon a former writ executed by such sheriff or in his hands at the said time. Dufferin Act, 44 V. c. 9, Sec. 10. 35

Unsatisfied  
writ.

**28.** No unsatisfied writ against lands or goods in the hands of the sheriff of any old county on the day the proclamation takes effect shall bind lands or goods situate within the limits of the new county, or have any effect upon such lands or goods after one year from the said day, unless the person entitled to the benefit of such unsatisfied writ, before the expiration of the said year shall have placed a writ against lands or goods (as the case may require) in the hands of the sheriff of the new county, indorsed with a notice that priority is claimed by virtue of this Act, in which case his writ in the hands of the sheriff of the old county, if it at the said time did bind lands or goods within the territory included in the new county, shall continue to bind such lands or goods and shall retain its priority so long as such indorsed writ remains in force; Provided such person shall not in the meantime have permitted his writ in the hands of the sheriff of the old county to expire, or shall not have otherwise lost his priority. Dufferin Act, 44 V. c. 9, Sec. 9. 40 45 50 55

29. The Lieutenant-Governor may, in the proclamation establishing the new county, or in a subsequent proclamation, fix and determine the number limits and extent of the Division Courts for the new county, to take effect from a day to be named, subject to be thereafter altered under the provisions of *The Division Courts Act*, and may by such proclamation direct that suits and proceedings which at the said day are pending or being in any Division Court therein specified, shall become suits or proceedings of any other Division Court therein specified, and thereupon such suits or proceedings may be continued in such last mentioned Court as if they had been commenced therein. Dufferin Act, 44 V. c. 9, Secs. 1-4.

30. All chattel mortgages relating to property within any of the townships, towns or incorporated villages forming the new county, on the day the said proclamation forming the new county takes effect, shall, until their renewal becomes necessary to maintain their force against creditors, continue to be as valid and effectual in all respects as they would have been if the new county had not been formed, but in the event of a renewal of any such chattel mortgage after the said day, the renewal shall be filed in the proper office in that behalf in the new county (as if the mortgage had originally been filed therein), together with a certified copy of such mortgage under the hand of the clerk of the court, in whose office it was first registered and under the seal of the said court, and no chattel mortgage in force on the said day shall lose its priority by reason of its not being filed in the new county prior to its renewal. Dufferin Act, 44 V. c. 9, secs. 14, 15.

31. The clerk of the peace for the new county upon receiving from the clerks of the peace of the counties of which the said several municipalities form a part, the jurors' books, jurors' rolls, and jurors' lists, as provided by section 64 of *The Jurors' Act*, shall consolidate the same respectively, and form there-with, one jurors' book, jurors' roll, and jurors' list respectively, and the same when so consolidated shall form the jurors' book, jurors' roll and jurors' list respectively, for the said new county, for the year in which the proclamation establishing the new county takes effect subject to the increase of the same in the manner provided by section 63 of *The Jurors Act*. Dufferin Act, 44 V. c. 9, sec. 8.

32. The treasurers of the old counties shall, upon being requested so to do, deliver to the treasurer of the new county the books relating to the municipalities within the new county required to be kept by such treasurers under Section 152 of *The Assessment Act*, and where only part of a township is separated from an old county the treasurer shall deliver copies of the entries relating to the territory separated.

33.—(1) Where a part only of a township or union of townships is included within the new county, such part shall, from the time the proclamation takes effect, be separated from the remaining portion of the township or union for municipal purposes, and each portion, except as is hereinafter provided, shall form a separate township by a name to be stated in the said proclamation, or in a subsequent proclamation; provided that

each county council may, within one year of the separation, annex the part within its jurisdiction to some adjoining incorporated township or union of townships.

(2) When the township so divided belongs to a union of townships, and the senior township is not divided, the territory belonging to the union situated in the same county as the senior township shall continue attached thereto and incorporated therewith, but the other portion of such union of townships shall be subject to the provisions of the preceding sub-section, and the Lieutenant-Governor may name the broken portion of a township belonging to the union.

Sect. 30 of  
Municipal  
Act.

(3) Unless where inconsistent with this Act, the provisions of section 30 of *The Municipal Act*, and the provisions of the said Act respecting matters consequent upon the formation of new corporations, so far as the same relate to the dissolution of a union of townships, shall apply to a township, or union of townships, divided under *this section*, and for the purpose of applying the said provisions, the part of an incorporated township, or union of townships, in which the town hall is situated shall be deemed the senior township, and the remainder of the said township, or union of townships, shall be deemed the junior township.

First election  
new county.

**34.** The first election of members of the councils of the respective municipalities forming the new county, shall take place on the first Monday in January after the date of the proclamation declaring the establishment of the new county, and the nominations on the last Monday in December preceding.

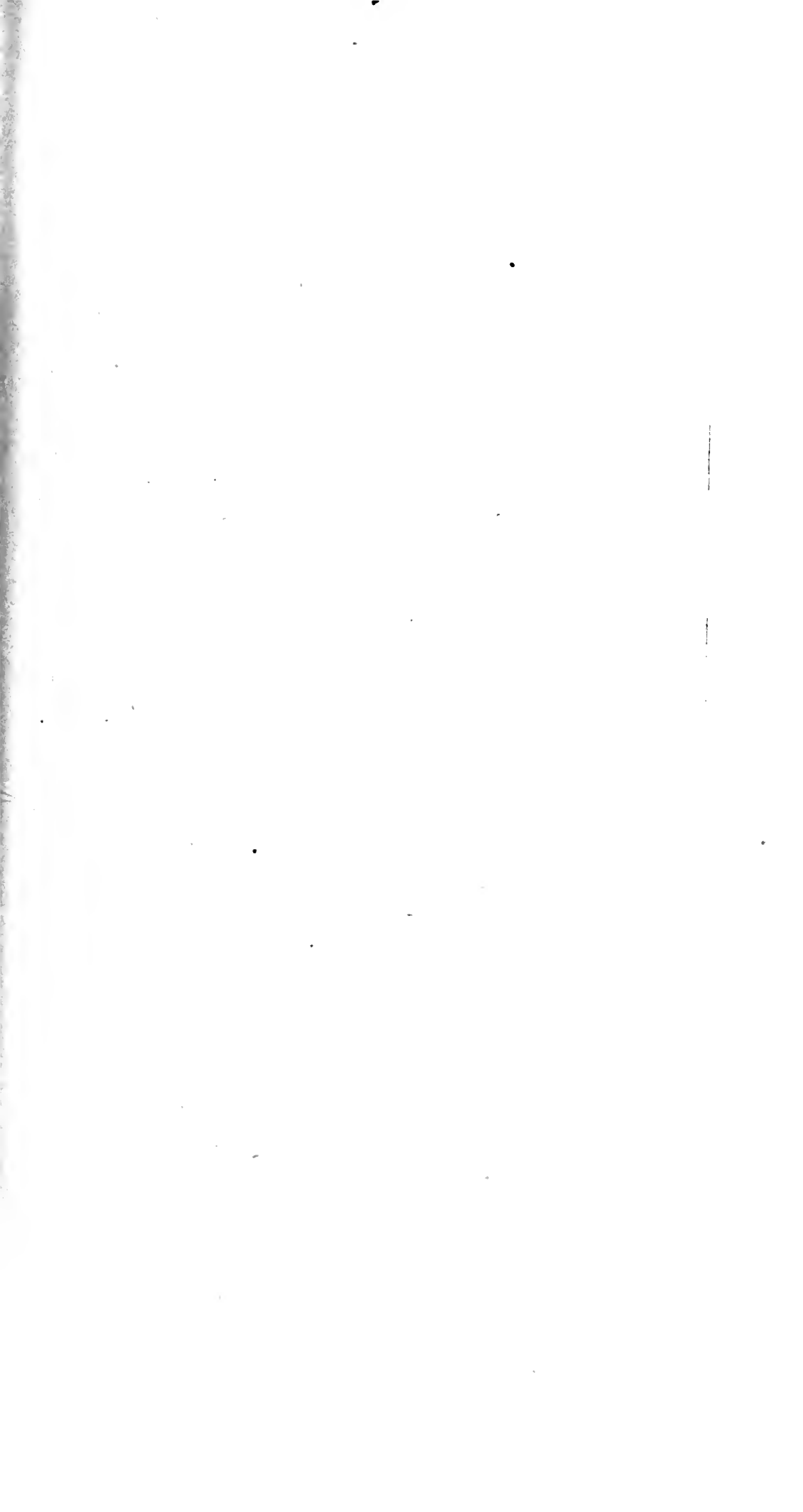
Electoral  
districts not  
affected.

**35.** The formation under this Act of any provisional county, or new county, shall not have the effect of altering the limits of any electoral district.

Act to be in-  
corporated  
with Rev.  
Stat. c. 184.

**36.** This Act shall be deemed to be incorporated with and shall be construed as part of *The Municipal Act*.





No. 155.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL

An Act respecting the Formation of New  
Counties.

1st Reading, 12th March, 1888.

MR. HARDY.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to provide against frauds in the supplying of  
Milk to Cheese or Butter Manufactories.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. No person shall knowingly and wilfully sell, supply,  
5 bring or send to a cheese or butter manufactory, or the owner  
or manager thereof, to be manufactured, milk diluted with  
water, or in any way adulterated, or milk from which any  
cream has been taken, or milk commonly known as "skimmed  
milk," without distinctly notifying, verbally or in writing, the  
10 owner or manager of such cheese or butter manufactory, that  
the milk so sold, supplied or brought to be manufactured has  
been so diluted with water, or adulterated, or had the cream  
so taken from it, or become milk commonly known as  
"skimmed milk," as the case may be.

Notice to be  
given when  
milk diluted,  
etc.

2. No person who in the course of his business sells, supplies,  
15 brings or sends to any cheese or butter manufactory, or the  
owner or manager thereof, to be manufactured, the milk of  
cows, shall knowingly and wilfully, in the course of such  
dealing and business, keep back any part of the milk known  
20 as "strippings," without distinctly notifying, verbally or in  
writing, the owner or manager of such cheese or butter manu-  
factory, of his having so kept back such "strippings."

Notice to be  
given when  
"strippings"  
kept back.

3. No person shall knowingly and wilfully sell, supply,  
bring or send to a cheese or butter manufactory, or the  
25 owner or manager thereof, to be manufactured, any milk that  
is tainted, or partly sour, without distinctly notifying, either  
verbally or in writing, the owner or manager of such cheese or  
butter manufactory of such milk being tainted or partly sour.

Notice when  
milk tainted.

4. Any person who by himself, or by his servant, or agent,  
30 violates any of the provisions of the preceding sections of this  
Act, upon conviction thereof before any justice or justices of the  
peace, shall forfeit and pay a sum of not less than one dollar,  
nor more than fifty dollars, together with the costs of prosecu-  
tion, in the discretion of such justice or justices, and in default  
35 of payment of such penalty and costs, shall be liable to be  
committed to the common gaol of the county, with hard labour  
for any period, not exceeding six months, unless the said  
penalty and the costs of enforcing same be sooner paid.

Penalty for  
violations of  
ss. 1-3.

Right to test  
milk.

5. It shall be lawful for the owner or manager of a cheese or butter manufactory to require the owner or custodian of any cow or cows whose milk is being bought for, or supplied or sent to, the manufactory, to submit such cow or cows at his farm, or other premises, where such cows are usually kept, to such milk test, by persons named by such owner or manager, as may be necessary for the said persons to ascertain the quantity and quality of the milk of such cow or cows, on any day, and at such time on any such day as may be appointed by said owner or manager and in case the owner or custodian of the cows refuses to so submit them, or obstructs in the execution thereof the persons engaged in making the milk test, or interrupts the test, or interferes in any way with the test, or the application of its result, he shall, on complaint before any justice or justices of the peace, forfeit and pay for every such offence a sum of not less than one dollar, nor more than one hundred dollars, in the discretion of the justice or justices of the peace who may hear such complaint, together with the costs of prosecution, if so ordered, and in default of payment of such penalty and costs, shall be liable to be committed, by such convicting justice or justices of the peace, to the common gaol of the county, with hard labor, for any period not exceeding six months, or until said penalty and the costs of enforcing same be sooner paid.

Right to take  
samples of  
milk.

6. It shall be lawful for the owner or manager of any cheese or butter manufactory, who suspects any person of selling, supplying, sending or bringing milk to the manufactory, of any offence under this Act, to enter upon or to appoint some person or persons to enter upon, and such appointed person may enter upon the premises of the suspected person, with or without notice, and take samples of milk from the cow or cows, from which the supposed offender was or had been immediately before then procuring the milk or part of the milk so sold, supplied, sent or brought as aforesaid.

Evidence of  
violations of  
ss. 1-3.

7. For the purpose of establishing the guilt of any person under the first three sections of this Act, it shall be sufficient *prima facie* evidence to show that such person, by himself, his servant or agent, sold, supplied, sent or brought, to be manufactured, to any cheese or butter manufactory, milk substantially below the standard in regard to the particular quality in question of that drawn within a week from the same cow or cows as he had in fact, or had represented he had, drawn the milk from which he had so sold, supplied, sent or brought, provided such comparison is made by means of a lactometer and cream gauge, or by some other adequate means of making the comparison.



No. 156.

2nd Session. 6th Legislature, 51 Vic. 1888.

BILL.

An Act to provide against frauds in the  
supplying of Milk to Cheese or Butter  
Manufactories.

First Reading, 12th March, 1888.

Mr. BALLANTYNE.

TORONTO:

PRINTED BY WARWICK & SON, 26 AND 28 FRONT ST. W.

An Act to provide against frauds in the supplying of  
Milk to Cheese or Butter Manufactories.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. No person shall knowingly and wilfully sell, supply,  
5 bring or send to a cheese or butter manufactory, or the owner  
or manager thereof, to be manufactured, milk diluted with  
water, or in any way adulterated, or milk from which any  
cream has been taken, or milk commonly known as "skimmed  
milk," without distinctly notifying, in writing, the owner  
10 or manager of such cheese or butter manufactory, that the  
milk so sold, supplied or brought to be manufactured has  
been so diluted with water, or adulterated, or had the cream  
so taken from it, or become milk commonly known as  
"skimmed milk," as the case may be.
2. No person who in the course of his business sells, supplies,  
15 brings or sends to any cheese or butter manufactory, or the  
owner or manager thereof, to be manufactured, the milk of  
cows, shall knowingly and wilfully, in the course of such  
dealing and business, keep back any part of the milk known  
20 as "strippings," without distinctly notifying, in writing, the  
owner or manager of such cheese or butter manufactory, of  
his having so kept back such "strippings."
3. No person shall knowingly and wilfully sell, supply,  
bring or send to a cheese or butter manufactory, or the  
25 owner or manager thereof, to be manufactured, any milk that  
is tainted, or partly sour, without distinctly notifying, in  
writing, the owner or manager of such cheese or butter manu-  
factory of such milk being tainted or partly sour.
4. Any person who by himself, or by his servant, or agent,  
30 violates any of the provisions of the preceding sections of this  
Act, upon conviction thereof before any justice or justices of the  
peace, shall forfeit and pay a sum of not less than \$5 nor  
more than \$50, together with the costs of prosecution, in  
the discretion of such justice or justices, and in default  
35 of payment of such penalty and costs, shall be liable to be  
committed to the common gaol of the county, with hard labour  
for any period, not exceeding six months, unless the said  
penalty and the costs of enforcing same be sooner paid.

Notice to be  
given when  
milk diluted,  
etc.

Notice to be  
given when  
"strippings"  
kept back.

Notice when  
milk tainted.

Penalty for  
violations of  
ss. 1-3.

Right to test  
milk.

5. It shall be lawful for the owner or manager of a cheese or butter manufactory to require the owner or custodian of any cow or cows whose milk is being bought for, or supplied or sent to, the manufactory, to submit such cow or cows at his farm, or other premises, where such cows are usually kept, to such milk test, by persons named by such owner or manager, as may be necessary for the said persons to ascertain the quantity and quality of the milk of such cow or cows, on any day, and at such time on any such day as may be appointed by said owner or manager. and in case the owner or custodian of the cows refuses to so submit them, or obstructs in the execution thereof the persons engaged in making the milk test, or interrupts the test, or interferes in any way with the test, or the application of its result, he shall, on complaint before any justice or justices of the peace, forfeit and pay for every such offence a sum of not less than \$10 nor more than \$100, in the discretion of the justice or justices of the peace, who may hear such complaint, together with the costs of prosecution, if so ordered, and in default of payment of such penalty and costs, shall be liable to be committed, by such convicting justice or justices of the peace, to the common gaol of the county, with hard labour, for any period not exceeding six months, or until said penalty and the costs of enforcing same be sooner paid.

Right to take  
samples of  
milk.

6. It shall be lawful for the owner or manager of any cheese or butter manufactory, who suspects any person of selling, supplying, sending or bringing milk to the manufactory, of any offence under this Act, to enter upon or to appoint some person or persons to enter upon, and such appointed person may enter upon the premises of the suspected person, with or without notice, and take samples of milk from the cow or cows, from which the supposed offender was or had been immediately before then procuring the milk or part of the milk so sold, supplied, sent or brought as aforesaid, and any such suspected person who obstructs or refuses to permit the taking of any such sample shall, on conviction thereof, be liable to a penalty of not less than ten dollars nor more than fifty dollars with costs of the prosecution, and in default of payment thereof, shall be liable to be imprisoned in the common gaol of the county in which the offence has been committed, for a period not exceeding three months with hard labour.

Evidence of  
violations of  
ss. 1-3.

7. For the purpose of establishing the guilt of any person under the first three sections of this Act, it shall be sufficient *prima facie* evidence to shew that such person, by himself, his servant or agent, sold, supplied, sent or brought, to be manufactured, to any cheese or butter manufactory, milk substantially below the standard of that actually drawn, or by the accused represented as having been drawn, from the same cow or cows within the then previous week, provided the comparison or test is made by means of a lactometer and cream gauge, or by some other adequate means of making the comparison.

Application of  
penalties.

8. Any penalty imposed under this Act shall, when recovered, be payable one-half to the informant or complainant and the other half to the treasurer of the local municipality in which the offence has been committed.





BILL.

An Act to provide against frauds in the supplying of Milk to Cheese or Butter Manufactories.

*Reprinted as amended by Committee of  
Whole House.*

First Reading,	12th	March,	1888.
Second "	15th	"	1888.

Mr. BALLANTYNE.

TORONTO:

PRINTED BY WARWICK & SOHN, 26 AND 28 FRONT ST. W.

An Act to give certain powers to the Commissioners  
of the Queen Victoria Niagara Falls Park.

**W**HEREAS the official arbitrators for Ontario by their Preamble.  
award, made on 11th June, 1887, determined the  
sum of \$7,500 to be the value of the whole of that  
portion of the gravelled or macadamized road, known as the  
5 St. Catharines, Thorold, and Niagara Falls Road, between  
Table Rock and a point about five miles therefrom, including  
the right of collecting the tolls, together with the toll-houses  
and appurtenances, and decided and ordered that the  
sum of \$4,000, part of the \$7,500 be paid by the Com-  
10 missioners of the Queen Victoria Niagara Falls Park to  
the person or persons having the title, interest, and possessory  
rights to the said road, and rights appurtenant thereto, for the  
absolute purchase of that portion thereof within the Park ;  
and whereas the sum of \$4,000 has been paid by the  
15 Commissioners to the said persons in accordance with the said  
award, and it is expedient that the sanction of the Legislature,  
as reserved by 50 Victoria, chapter 13, section 4, paragraph 5,  
be given for the payment of the residue of the value of  
the road as determined by the arbitrators, the proprietors  
20 being ready and willing to accept the same in satisfaction and  
discharge of the said valuation ;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

25 **1.** The Commissioners of the Queen Victoria Niagara Approval of  
Falls Park are hereby authorized to pay to the person or acquisition of  
persons having the title, interest, and possessory rights of toll road.  
that portion of the above described road, and not within the  
Park, the sum of \$3,500, with interest thereon at the rate of  
30 5 per centum per annum from the date of the award and in  
full discharge thereof.

**2.** On such payment being made the rights, title, possession Rights of pro-  
and franchises which were held and exercised by the St. prietors of  
Catharines, Thorold, and Niagara Falls Road Company, or by road vested  
35 the person or persons having the title, interest, and possessory in commis-  
rights thereof in respect of that portion of the road for the sioners.  
valuation of which the sum of \$7,500 was awarded, shall  
so far as related to that portion of the said road between the  
Table Rock and Niagara Falls Suspension Bridge on Lot 92,  
40 of Stamford, be and the same are hereby transferred to  
and vested in The Commissioners of the Queen Victoria  
Niagara Falls Park.

Tolls may be  
abolished.

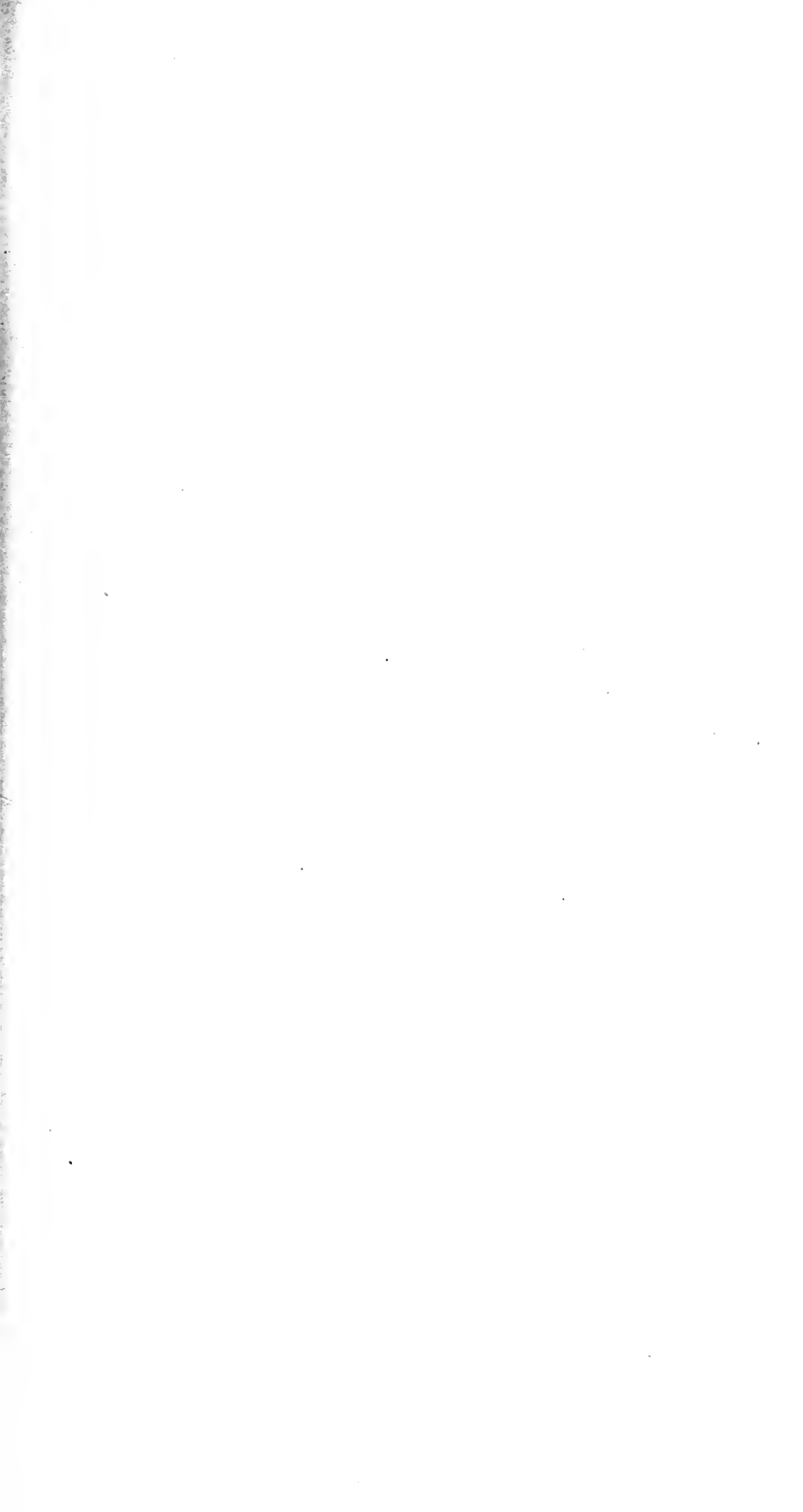
3. Subject to any direction of the Lieutenant-Governor the Commissioners may abolish the collection of tolls over the gravelled or macadamized road within the points above described. (50 Vict., ch. 13, s. 8.)

When tolls  
abolished,  
commissioners  
may construct  
street railway.

4. In case of the collection of tolls over the said road being abolished, the Commissioners shall have power to construct and operate a Street Railway over the same; and may build the same to any points or lands vested in the Commissioners; and tolls on any such Railway may be charged as provided by sections 8 and 9 of *The Queen Victoria Niagara Falls Park Act, 1887.*

Powers of  
Expropria-  
tion.

5. The Commissioners shall have power to expropriate, in accordance with *The Niagara Falls Park Act* and *The Act respecting Awards under The Niagara Falls Park Act*, the interests of all or any persons in any land lying between the River and the road built on the chain reservation, and vested in the Commissioners under the authority of this Act or other Acts heretofore passed.



BILL.

An Act to give certain powers to the Commissioners of the Queen Victoria Niagara Falls Park.

First Reading, 12th March, 1888.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SON, 26 AND 28 FRONT ST. W.

An Act to confirm a certain Agreement made between the Grand Trunk Railway Company of Canada, the Canada Southern Railway Company, and the London and Port Stanley Railway Company.

**W**HEREAS the corporation of the city of London has, by Preamble.  
its petition, represented that a certain agreement was,  
on the 21st day of January, 1887, made between the Grand  
Trunk Railway Company, the Canada Southern Railway Com-  
pany, and the London and Port Stanley Railway Company  
with respect to the working of a portion of the line of the  
said last mentioned company; and that, to remove doubts as  
to the validity of the said agreement, it is expedient to confirm  
the same by legislation, and have prayed for the passing of an  
Act for that purpose; and whereas it is expedient to grant  
the prayer of the said petition so far as the said matters are  
within the legislative authority of the Legislature of the Pro-  
vince of Ontario;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

**1.** The said agreement, bearing date the 21st day of January, 1887, made between the Grand Trunk Railway Company, the Canada Southern Railway Company, and the London and Port Stanley Railway Company—a copy whereof is set forth in the schedule to this Act—is hereby confirmed and declared to be binding upon the several parties thereto according to the terms thereof. Agreement in schedule confirmed.

#### SCHEDULE.

This Agreement made this twenty-first day of January, in the year of our Lord 1887.

By and between The London and Port Stanley Railway Company (hereinafter called the Port Stanley Company), of the first part,

The Grand Trunk Railway Company of Canada (hereinafter called the Grand Trunk), of the second part, and

The Canada Southern Railway Company (hereinafter called the Canada Southern), of the third part.

Whereas, the Port Stanley Company own the railway between Port Stanley and London known as the London and Port Stanley Railway, which is now held under lease by the Grand Trunk;

And whereas, the Canada Southern desire to connect their line at St. Thomas with the city of London for the purpose of their business ;

And whereas, in order to save the unnecessary expenditure of capital which would be required to build another line of railway between said points, it has been suggested that an arrangement be made for the use of the Port Stanley Company's line between St. Thomas and London by the Canada Southern, under proper terms and conditions, so as to make said section of the Port Stanley Company's line available for the purposes of the Grand Trunk and Canada Southern respectively ;

And whereas, the Grand Trunk now have a lease of the Port Stanley Company's line, which lease expires on the first day of September which will be in the year of our Lord 1892 :

Therefore, this agreement witnesseth :

That the parties hereto have, and they hereby do severally covenant and agree each with the other as follows, that is to say :—

The plan annexed hereto and marked " A " shall be, and the same is hereby made part of this agreement.

That the Canada Southern may, by means of a proper switch to be approved by the Grand Trunk Engineer, connect their line at St. Thomas with the Port Stanley Company's line at the point shown on the said plan, and marked " A."

That the Canada Southern may also, in like manner, connect the station grounds and terminal accommodation they may acquire or have acquired at the city of London at the point shown on said plan marked " B."

That, on the terms and for the compensation hereinafter mentioned, the Canada Southern Company shall have the right to run their trains over the Port Stanley Company's line between said points " A " and " B " shown on said plan, and operate the same as part of their own railroad, upon the terms and subject to the limitations hereinafter expressed.

That the said switches and the trains passing to and from the premises of the Canada Southern Company, and while on the Port Stanley Company's line, shall be under the control of the Grand Trunk, and operate under the reasonable regulations of that company.

That, in the exercise of these rights, the Grand Trunk passenger trains shall have precedence over all other trains ; the Canada Southern Company's passenger trains shall have precedence over all freight and mixed trains ; Grand Trunk mixed trains shall have precedence over all mixed and freight trains ; Canada Southern mixed trains shall have precedence over all freight trains ; and Grand Trunk freight trains shall have precedence over all Canada Southern freight trains. But each party will use its best exertions to secure to all the trains and business of the other every facility and all despatch.

The Canada Southern Company shall not do any local business upon the Port Stanley line proper, whether such business be between points upon the said Port Stanley line or coming from London or beyond, or St. Thomas or beyond, to or from places on said Port Stanley line ; but they are not to be excluded from carrying local traffic between the cities of St. Thomas and London.



Inasmuch as local passengers will occasionally take the trains of the Canada Southern Company, it is agreed in such case that such portion of the local fares as the parties shall mutually agree or failing agreement, as may be settled by arbitration, shall be paid over to the Grand Trunk Company.

For the purpose of this agreement the employees of the Grand Trunk Company shall be regarded as the employees of the Canada Southern Company, and the railway of the Port Stanley Company, between St. Thomas and London, as the railway of the Canada Southern Company. And each party hereto assumes for themselves all loss arising from damage or injury from any cause to their passengers, employees, or property, and all liabilities to third persons, arising from their acts or the acts of their employees, the employees of the Grand Trunk Company being, as defined in this clause, the employees of the Canada Southern Company.

That, should the Canada Southern desire it, the Grand Trunk will supply the trains of the said Canada Southern with stores, fuel, and water whilst upon the line of the Port Stanley Company at cost price plus ten per cent. to cover contingencies.

The expense of erecting and working the signals at the points of junction, as shown on said plan, shall be defrayed and paid by the Canada Southern.

That the compensation to be paid by the Canada Southern Company for the use of the line of the Port Stanley Company (which shall be per train mile), and for all the privileges herein or which may hereafter be agreed upon, and the time and modes of payment of the same, shall be settled by agreement between the parties, and, failing agreement, be fixed by arbitration as hereinafter provided; but any compensation agreed upon or fixed by agreement or arbitration shall, at the request of either party, be subject to re-adjustment in the same manner at the end of five years, and so in each five years so long as this agreement continues: provided, however, that the terms in the first place must be either agreed upon or fixed by arbitration within sixty days after the execution thereof.

The parties hereto agree that in the event of their disagreeing on any matter or thing above mentioned, or as to the construction or meaning of this agreement, any and every such dispute shall, within thirty days of the date of such arising, be referred to Mr. Albert Fink, and any award made by him on any such matter shall be final and binding between the parties hereto, and shall be carried out by both parties.

That in the event of Mr. Albert Fink refusing or being unable to act as arbitrator, the parties hereto will choose some other person to act in that capacity, and should they be unable to agree on some other person to so act within thirty days after such refusal or inability on the part of Mr. Fink, they will unite in an application to the Chief Justice of the High Court of Justice of Ontario to name an arbitrator to act in the place of the said Mr. Albert Fink; and if either party to this agreement does not unite in said application to the Chief Justice of the High Court of Justice of Ontario within thirty days after notice from the other in writing of its desire to have such arbitrator appointed then such application may be made by the party desiring such arbitrator in its own name, and the award by any arbitrator appointed by the said Chief Justice shall be final and binding between the parties hereto, and shall be carried out by both parties.

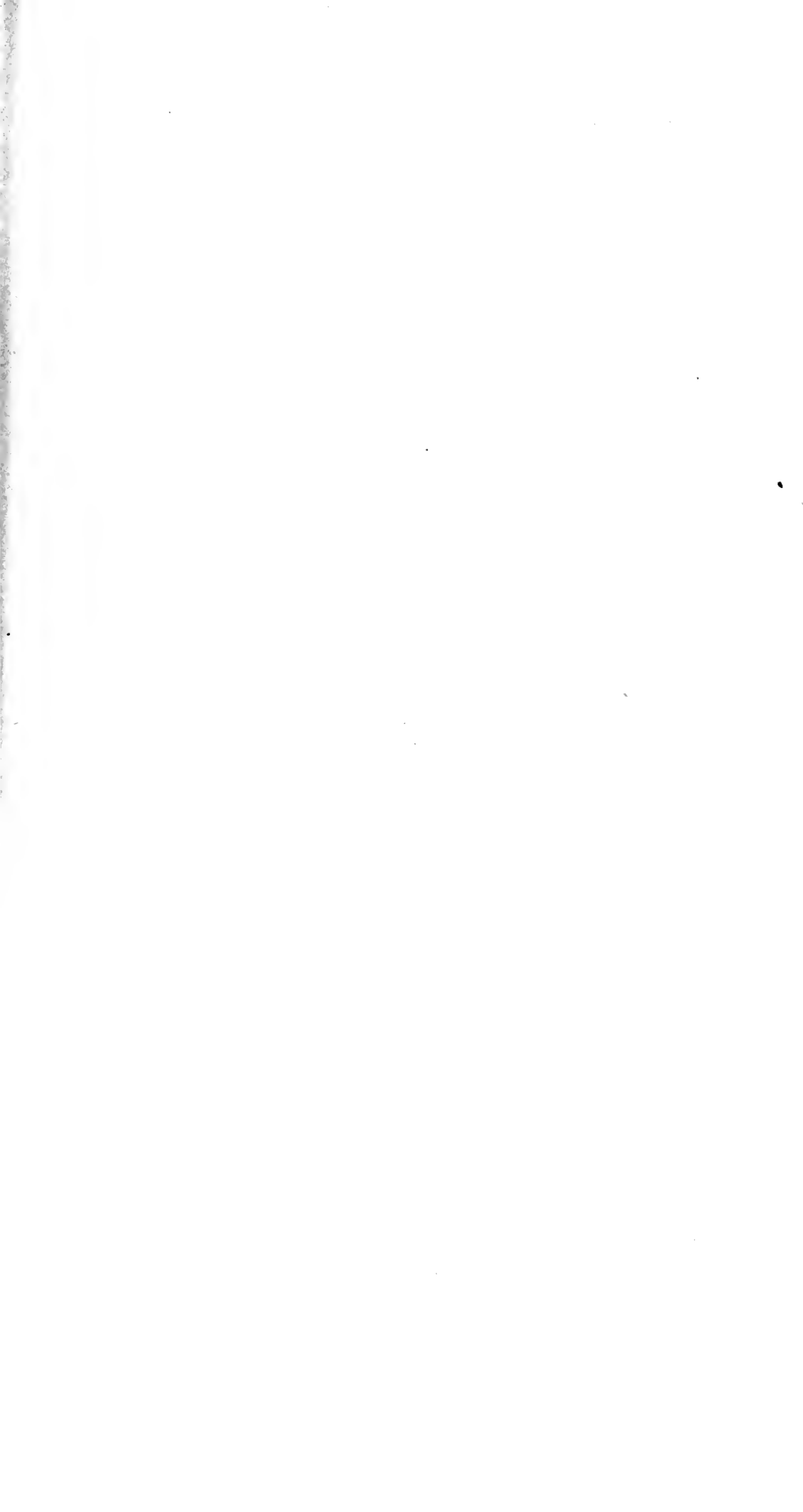
Whereas, the lease of the Port Stanley line held by the Grand Trunk expires in the year 1892, it is agreed that this contract shall remain in force until that time; and, if the said lease is renewed or a new lease taken by the Grand Trunk, and that they remain in possession of the Port Stanley line, then this agreement to continue so as to make the same an agreement for twenty years from the date hereof on the terms aforesaid.

In witness whereof the parties hereto have hereunto set their hands and seals on the day and year first above mentioned.

(Sgd.) THE LONDON AND PORT STANLEY RAILWAY CO.  
W. BOWMAN, Secretary. *Per* J. EGAN, President. [Seal.]

(Sgd.) THE GRAND TRUNK RAILWAY CO. OF CANADA.  
*Per* J. HICKSON, General Manager [Seal.]

(Sgd.) THE CANADA SOUTHERN RAILWAY CO.  
NICOL KINGSMILL, Sec'y. *By* C. VANDERBILT, President. [Seal.]



No. 158.

2nd Session, 6th Legislature, 51 Vic, 1838.

BILL.

An Act to confirm a certain Agreement made between the Grand Trunk Railway Company of Canada, the Canada Southern Railway Company, and the London and Port Stanley Railway Company.

First Reading, 13th March, 1888.  
Second " 13th March, 1888.

(Private Bill.)

Mr. MEREDITH.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to amend the Partition Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 68 of *The Partition Act* is hereby amended by adding thereto the following sub-sections:—

Rev. Stat.  
c. 104, s. 68,  
amended.

(2) In case no claim is made to such moneys, bonds, mortgages, securities or investments by the person entitled thereto within six months after the publication of such statement, the said moneys, and all sums as they become due and are paid under the said bonds, mortgages, securities or investments, shall be paid by the real representative upon the certificate of the inspector of legal offices to the accountant of the Supreme Court of Judicature for Ontario, to be placed by him to the credit of the matter in which the said moneys are held, such moneys to be received and paid out to the parties entitled pursuant to the order of partition and report of the real representative, as if the matter had been originally carried on in the High Court of Justice.

Disposition of  
unclaimed  
moneys.

(3) The real representative, in making such payments into court as aforesaid, shall forward with the same an office copy of the order for partition and his report thereunder, together with the said certificate of the inspector of legal offices, which shall set forth that he has inquired into the proceedings taken in the matter and that they have been duly taken according to the provisions of this Act, and that in his opinion it is a proper case in which the moneys should be paid into the accountant's office.

(4) In all other cases where the moneys have been unclaimed for six years, the same shall be forthwith paid into the accountant's office to the credit of the matter in which it was received in the manner above set forth.

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2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL.

An Act to amend the Partition Act.

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First Reading, 12th March, 1888.

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THE ATTORNEY-GENERAL.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In case the majority in number of the persons as shewn Power to construct roads, etc., in townships as local improvements.  
 5 by the last revised assessment roll to be the owners, whether resident or non-resident, of the property or lots abutting according to the original survey by the Crown on the road, street or public way hereinafter mentioned to be benefited thereby, in any part of any township, petition the council for  
 10 the macadamizing, gravelling, planking or otherwise improving by approved material, and draining any road, street or public way (describing it), or building a bridge in connection therewith, the council may procure an engineer or provincial land  
 15 surveyor to make an examination of the said road, street or public way so proposed to be improved, and may procure plans and estimates to be made of the said work by such engineer or surveyor, and an assessment to be made by such engineer or surveyor of the real property, municipalities and corporations to be benefited by such work, or the owners or occupants  
 20 of which real property may or can use the same, stating as nearly as may be in the opinion of such engineer or surveyor the proportion of benefit to be derived therefrom by every road and lot or portion of lot, and of any railway or street railway, or municipality or corporation; and if the council is  
 25 of opinion that the proposed work or a portion thereof would be desirable, the council may pass by-laws:

1. For providing for the proposed work or a portion thereof being done, as the case may be.

2. For the borrowing, on the credit of the municipality, the  
 30 funds necessary for the work, although the same extends beyond the limits of the municipality (subject, in that case, to be reimbursed as hereinafter mentioned), and for issuing the debentures of the municipality to the requisite amount, including the costs of arbitration, if any, in sums of not less than  
 35 \$100 each, and payable within fifty years or less from date, with interest at the rate of not less than four per cent. per annum.

2. The several provisions of *The Municipal Act* from section Rev. Stat. c. 184, ss. 569-611, to apply.  
 569 to section 611, both inclusive, not inconsistent with the  
 40 foregoing clauses and in aid thereof, shall, *mutatis mutandis*, be applicable, as far as possible, to the making and improvement of the said road, street or public way, and the drainage

and other work connected therewith, in manner hereinbefore provided, as if the said several sections related to roads and the improvement thereof, so as to make the said clauses efficient for the construction of roads in substantially the same way as drains are now constructed.

Exemption of property specially assessed.

**3.** Any real property specially assessed by any council for any local improvement or work under this Act, shall be exempted by the council from any general rate or assessment for the like purpose.

County council to guarantee debentures.

**4.** The county council, if required so to do by the township council issuing debentures as hereinbefore provided, shall guarantee the payment of the said debentures.





No. 160.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Municipal Act.

First Reading, 12th March, 1888.

Mr. FERGUSON.

TORONTO.

PRINTED BY WARWICK & SOONS, 26 AND 28 FRONT ST. W.

## An Act to amend the Municipal Act.

WHEREAS doubts have arisen respecting the obligation of Preamble.  
 county councils to direct the taking of census returns  
 for the purposes mentioned in section 9 of *The Municipal Act*,  
 and it is expedient to remove such doubts ;

5 Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

1. Section 9 of *The Municipal Act* is amended by adding Rev. Stat. c.  
184, s. 9,  
amended.  
 thereto the following sub-section:—

10 (2) It shall be the duty of the warden or wardens of the  
 county or counties in which the said village and neighbour-  
 hood are situate to forthwith direct the taking of census  
 returns for the purposes aforesaid, on petition therefor by not  
 less than 100 resident freeholders or householders of the said  
 15 village and neighbourhood.

2. Section 89 of the said Act is amended by substituting Rev. Stat. c.  
184, s. 89,  
amended.  
 the words "one month," for "three months," in the tenth  
 line thereof.

BILL.

An Act to amend the Municipal Act.

First Reading, 13th March, 1888.

MR. PRESTON.

TORONTO

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

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No. 162.]

**BILL.**

[1888.

**An Act to amend the Execution Act.**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 5   **1.** Section 7 of *The Execution Act* is amended by adding after the word "issues," in the eighth line of said section, the words "in all courts of record and in the division courts by the clerk of the court out of which the execution issues." Rev. Stat c. 64, s. 7, amended.

No. 162.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Execution Act.

First Reading, 13th March, 1888.

Mr. O'CONNOR.

TORONTO:

PRINTED BY WARWICK & SOSS, 26 AND 28 FRONT ST. W.

An Act to amend the Act respecting Mortgages and Sales of Personal Property.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of *The Act respecting Mortgages and Sales of Personal Property* is hereby amended by inserting after the word "chattels," in the second line of the said section, the words "and growing crops." Rev. Stat. c. 64, s. 1, amended.

2. Section 4 of the said Act is hereby amended by adding the following sub-section thereto:— Rev. Stat. c. 64, s. 4, amended.

10 (2) Any mortgage or conveyance of growing crops, whether registered or not, shall be absolutely null and void as against subsequent purchasers in good faith and for valuable consideration in the ordinary course of business of the grain realized from such growing crops, unless the said purchaser shall have  
15 actual notice of such mortgage or conveyance.

3. Section 5 of the said Act is hereby amended by inserting after the word "chattels," in the first line of the said section, the words "and growing crops," and by adding the following sub-section thereto:— Rev. Stat. c. 64, s. 5, amended.

20 (2) Every sale of growing crops not accompanied by an immediate delivery and followed by an actual and continued change of possession, shall be absolutely void as against subsequent purchasers in good faith and for valuable consideration in the ordinary course of business of the grain realized from  
25 such growing crops, unless the said purchasers shall have actual notice of such sale.

BILL.

An Act to amend the Act respecting Mortgages and Sales of Personal Property.

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First Reading, 13th March, 1888.

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Mr. CHISHOLM.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



An Act to amend The Married Woman's Real Estate Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Married Woman's Real Estate Act* is amended by adding thereto the following sections:—

9. If the husband of a married woman is in consequence of being a lunatic, idiot, or of unsound mind (and whether he has been found such by inquisition or not), or is from any other cause incapable of executing a deed or conveyance, or if his residence is not known, or he is in prison, or is living apart from his wife by mutual consent, or under circumstances which entitle her to alimony, or if he has deserted her, or if there is in the opinion of the Judge any other cause for so doing a Judge may, by an order to be made by him in a summary way upon the application of the wife—upon such evidence as to him seems meet, and upon such notice to the husband as he deems requisite, except in cases where the residence of the husband is not known when notice shall not be necessary, dispense with the execution of the deed or conveyance by or concurrence of the husband therein in any case in which execution by him or his concurrence is by law required in any deed or conveyance of the real estate of his wife, and enabling the wife effectually to convey such real estate without such execution by or concurrence of the husband, and all acts or deeds done or executed by the wife, in pursuance of such order in regard to her real estate shall be done, executed, or made by her in the same manner, and with the same effect as if she were a *feme sole*, and when so done, executed, or made by her shall be as good, valid and effectual as they would have been if the husband had become a party to and executed the same. (See R. S. O. 1877, Cap. 127, Section 4).

10. Such order may be in the form following, or to the like effect:—

“THE MARRIED WOMAN'S REAL ESTATE ACT.”

Upon application of *A. B.*, of the wife of *C. D.*, (or formerly of, etc.) I, one of the Judges of the High Court of Justice for Ontario (or, as the case may be), do, pursuant to “*The Married Woman's Real Estate Act*,” order that the said *A. B.* may, in the same manner, and with the same effect, as if she were a *feme sole* bargain, sell, and convey all or any part of her estate, title, and interest of, in, to or out of all and singular (*describe the premises*).

Dated this                      day of                      A.D.                      (*Signature of Judge*).

- Order may be registered.** **11.** Such order may be in duplicate or in as many parts as are necessary, and shall be signed by the judge, and may be registered in the registry office of the registry division wherein the lands to which the same relates are situate, upon its production and deposit, without any proof thereof; and such registration may take place either before or after the execution of the deed made in pursuance of such order. R. S. O. 1877, c. 127, s. 6. **5**
- Order may be written on deed.** **12.** Such order may, if desired, be indorsed or written upon the deed to which the same relates, in which case it shall be registered as part of the deed. R. S. O. 1877, c. 127, s. 7. **10**
- Fee for registration of order.** **13.** For the registration of such order, including all necessary entries and certificates, the Registrar shall be entitled to a fee of one dollar, unless the order is indorsed or written upon the deed, in which case no fee shall be payable in respect of the registration thereof. R. S. O. 1877, c. 127, sec. 8. **15**
- Judge's fee for order.** **14.** For every such order including every duplicate or other part thereof, the judge shall be entitled to his own use to a fee of \$2; but no other fee or charge of any kind shall be payable in respect thereof, either to the clerk or otherwise. R. S. O. 1877, c. 127, sec. 9. **20**
- Description of property where order written on deed.** **15.** If such order is indorsed or written upon the deed to be made in pursuance thereof, the real estate to which the same relates may be described in the order by reference to the description contained in the deed. R. S. O. 1877, c. 127, sec. 10. **25**
- Filing of papers on application.** **16.** The affidavits and papers upon which the order is obtained shall be filed in the office of the clerk of the court of which the judge granting the order is a judge; and for filing said affidavits and papers the clerk shall be entitled to the same fees as he is entitled to for filing papers in other cases. R. S. O. 1877, c. 127, s. 11. **30**



No. 164.

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2nd Session, 6th Legislature, 51 Vic., 1888

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BILL.

An Act to amend "The Married Woman's  
Real Estate Act."

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First Reading, 14th March, 1888.

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MR. GUTHRIE.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend The Married Woman's Real Estate Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 2 of section 2 of *The Married Women's Real Estate Act* is amended by striking out all the words therein after the word "or" in the first line of the said sub-section.

Rev. Stat.,  
chap. 134, s. 2  
(2) amended.

2. *The Married Woman's Real Estate Act* is amended by adding thereto the following sections:—

Rev. Stat. c.  
134, amended.

9. In any case where a husband is entitled to tenancy by the curtesy in the real estate of his wife, and in any case where a married woman is unable to give a valid deed of her real estate without her husband joining therein. If the husband of a married woman is in consequence of being a lunatic, idiot, or of unsound mind (and whether he has been found such by inquisition or not), or is from any other cause incapable of executing a deed or conveyance, or if his residence is not known, or he is in prison, or is living apart from his wife by mutual consent, or under circumstances which entitle her to alimony, or if he has deserted her, or if there is in the opinion of the Judge any other cause for so doing a Judge may, by an order to be made by him in a summary way upon the application of the wife—upon such evidence as to him seems meet, and upon such notice to the husband as he deems requisite, except in cases where the residence of the husband is not known when notice shall not be necessary, dispense with the execution of the deed or conveyance by or concurrence of the husband therein in any deed or conveyance of the real estate of his wife and enable the wife effectually to convey such real estate without such execution by or concurrence of the husband, and free from any estate of the husband by the curtesy, and all acts or deeds done or executed by the wife, in pursuance of such order in regard to her real estate shall be done, executed, or made by her in the same manner, and with the same effect as if she were a *feme sole*, and when so done, executed, or made by her shall be as good, valid and effectual as they would have been if the husband had become a party to and executed the same. (See R. S. O. 1877, Cap. 127, Section 4).

Judge may  
dispense with  
concurrence of  
husband in  
certain cases.

10. Such order may be in the form following, or to the like effect:—

Form of order.

## "THE MARRIED WOMAN'S REAL ESTATE ACT."

Upon application of *A. B.*, of \_\_\_\_\_ the wife of *C. D.*,  
 (or formerly of, etc.) I, \_\_\_\_\_ one of the Judges of the  
 High Court of Justice for Ontario (or, as the case may be), do, pursuant to  
 "The Married Woman's Real Estate Act," order that the said *A. B.* may,  
 in the same manner, and with the same effect, as if she were a *feme sole*  
~~ten~~ and free from any estate of her husband by the curtesy ~~ten~~ bargain,  
 sell, and convey all or any part of her estate, title, and interest of, in,  
 to or out of all and singular (describe the premises).

Dated this \_\_\_\_\_ day of \_\_\_\_\_ *A.D.*  
 (Signature of Judge).

R. S. O. 1877, cap. 127, s. 5.

- Order may be registered.** **11.** Such order may be in duplicate or in as many parts as are necessary, and shall be signed by the judge, and may be registered in the registry office of the registry division wherein the lands to which the same relates are situate, upon its production and deposit, without any proof thereof; and such registration may take place either before or after the execution of the deed made in pursuance of such order. R. S. O. 1877, c. 127, s. 6. 5
- Order may be written on deed.** **12.** Such order may, if desired, be indorsed or written upon the deed to which the same relates, in which case it shall be registered as part of the deed. R. S. O. 1877, c. 127, s. 7. 10
- Fee for registration of order.** **13.** For the registration of such order, including all necessary entries and certificates, the Registrar shall be entitled to a fee of one dollar, unless the order is indorsed or written upon the deed, in which case no fee shall be payable in respect of the registration thereof. R. S. O. 1877, c. 127, sec. 8. 15
- Judge's fee for order.** **14.** For every such order including every duplicate or other part thereof, the judge shall be entitled to his own use to a fee of \$2; but no other fee or charge of any kind shall be payable in respect thereof, either to the clerk or otherwise. R. S. O. 1877, c. 127, sec. 9. 20
- Description of property where order written on deed.** **15.** If such order is indorsed or written upon the deed to be made in pursuance thereof, the real estate to which the same relates may be described in the order by reference to the description contained in the deed. R. S. O. 1877, c. 127, sec. 10. 25
- Filing of papers on application.** **16.** The affidavits and papers upon which the order is obtained shall be filed in the office of the clerk of the court of which the judge granting the order is a judge; and for filing said affidavits and papers the clerk shall be entitled to the same fees as he is entitled to for filing papers in other cases. R. S. O. 1877, c. 127, s. 11. 30
- Rights of married women to convey real property.** **17.** Nothing in this Act contained shall be taken or construed as meaning or implying that a married woman may not, without and irrespective of any of the provisions contained in this Act, validly execute and make any deed, transfer or conveyance of her real estate, or of any right or interest therein, in all respects as if she were a *feme sole*. 35



No. 164.

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2nd Session, 6th Legislature, 51 Vic., 1888

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BILL.

An Act to amend "The Married Woman's  
Real Estate Act."

*(Reprinted as amended by Committee of  
Whole House).*

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First Reading, 14th March, 1888.  
Second " 19th " 1888.

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MR. GUTHRIE.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



## An Act to amend "The Municipal Act."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 2 and 3 of section 293 of *The Municipal Act* are hereby repealed, and the following substituted therefor: Rev. Stat. c. 184, s. 293 (2, 3), repealed.

(2) The council shall, before the final passing of the proposed by-law, publish in some public newspaper published either within the municipality or in the county town, or in a public newspaper published in an adjoining local municipality, as the council may designate by resolution, a notice of said proposed by-law, in the form set out in schedule "N" to this Act, setting out in brief and general terms such particulars as shall enable the electors interested to become aware of the object of the said by-law, including the amount of the debt which the said by-law is intended to create, the total amount required to be raised annually by special rate for paying the new debt and interest, the amount of the whole ratable property of the municipality according to the last revised assessment roll, the amount of the existing debenture debt of the municipality, and how much (if any) of the principal and interest is in arrear, and the time and place or places for taking the votes of the electors thereon.

(3) The publication of such notice shall, for the purpose aforesaid, be continued in at least one number of such paper each week for three successive weeks, and the council shall post up a copy of the said notice at four or more of the most public places in the municipality.

2. Section 345 of the said Act is amended by striking out all the words after the word "after" at the end of the ninth line of said section, and inserting in lieu thereof the words following: "A notice of the said by-law, setting out in brief and general terms such particulars as shall enable the electors interested to become aware of the object for which the debt is to be created, including the amount of the debt which the new by-law is intended to create, the total amount required to be raised annually by special rate for paying the new debt and interest, the amount of the existing debenture debt of the county, and how much (if any) of the principal and interest is in arrear, together with a notice of the day appointed for the meeting, has been published in some newspaper issued weekly or oftener within the county (as constituted for judicial pur- Rev. Stat. c. 184, s. 345, amended.

poses), or if there is no such public newspaper, then in a public newspaper published nearest to the county, which said notice may be to the effect following :

*To the Electors of the County of*

Notice is hereby given that a by-law to raise the sum of \$ \_\_\_\_\_ by the issue of Debentures for the purpose of *(stating purpose)* will be taken into consideration by the Council of the Municipality of the County of \_\_\_\_\_, at \_\_\_\_\_, in the said County of \_\_\_\_\_, on \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, at the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, at which time and place the members of the Council are hereby required to attend, for the purpose aforesaid.

The said by-law will provide that the said debentures shall be payable in \_\_\_\_\_ years; and that the amount to be raised annually for debt and interest shall be \_\_\_\_\_

The amount of the existing debenture debt of the County is \_\_\_\_\_, on which there is nothing due for principal or interest *(or as the case may be)*.

The said by-law or a true copy thereof is on file, and can be seen in the office of the undersigned until the date above named, for its consideration by the said Council.

Dated at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

A. B.  
Clerk of the County of \_\_\_\_\_

Rev. Stat. c. 184, amended.

3. The said Act is further amended by adding thereto the following form as schedule "N.":

SCHEDULE N.

FORM OF NOTICE OF PROPOSED BY-LAW, SECTION 293 (2).

Form of notice of proposed by-law.

*To the Electors of the Municipality of*

Notice is hereby given that a by-law to raise the sum of \_\_\_\_\_ dollars by the issue of debentures for the purpose of \_\_\_\_\_ *(stating purpose)* has been submitted to the municipal council of \_\_\_\_\_ and that a vote of the electors entitled to vote thereon, will be taken on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, between the hours of 9 a.m. and 5 p.m., at \_\_\_\_\_ *(naming place or places)* under the provisions of *The Municipal Act* *(or as the case may be)*.

The said by law provides that the said debentures shall be payable in \_\_\_\_\_ years, and that the amount to be raised annually by special rate, for debt and interest, shall be \_\_\_\_\_

The amount of the whole ratable property of the municipality, according to the last revised assessment roll, is \_\_\_\_\_

The amount of the existing debenture debt of the municipality is \_\_\_\_\_, on which there is nothing due for principal or interest *(or as the case may be)*.

The said by-law, or a true copy thereof, is on file, and can be seen in the office of the undersigned until the day of taking said vote.

The further consideration of the by-law by the municipal council, after taking of said vote, is fixed for \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, at the council room, in the town hall of the municipality, at \_\_\_\_\_ at \_\_\_\_\_ o'clock in the forenoon.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

A. B.,  
Clerk of the Municipality of \_\_\_\_\_



No. 165.

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2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL

An Act to amend the Municipal Act.

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First Reading, 14th March, 1888.

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Mr. NAIRN.

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TORONTO.

PRINTED BY WARWICK & SOSS, 26 & 28 FRONT ST. W.

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No. 166.]

**BILL.**

[1888.

An Act to amend the Act respecting Insurance Companies.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 1 of section 137 of *The Act respecting Insurance Companies* is amended by inserting in the eighth line thereof, after the word "months," the words, "after such death," and by adding to the said sub-sections the following:—

Rev. Stat. c. 167, s. 137, (1), amended

(a) Where the policy provides that the insurance money may be paid to the personal representative appointed by the Court of the Province in which the deceased was resident or domiciled at the time of his death, the money may be paid to such representative accordingly at any time after the death aforesaid or according to the terms of the policy.

No 166.

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2nd Session, 6th Legislature, 51 Vic., 1888.

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BILL.

An Act to amend the Act respecting  
Insurance Companies.

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First Reading, 14th March, 1888.

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The ATTORNEY-GENERAL.

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TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

## An Act to amend the law as to Executions.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Creditors' Relief Act* is amended by  
 5 substituting for the words "upon an" in the first line thereof  
 the words "by sale under;" and the section shall apply to  
 any moneys received by a sheriff as the proceeds of a sale  
 by him under an Interpleader Order, but in case the  
 money is ordered to be paid into Court by the sheriff pending  
 10 the trial of an Interpleader issue, the entry to be made by the  
 sheriff shall not be made until the said money is again paid  
 out of Court to the sheriff for distribution.

Rev. Stat. c.  
65, s. 4,  
amended.

2. In distributing money under the said section creditors  
 who have executions against goods only shall be entitled to  
 15 share ratably with all others any moneys realized under execu-  
 tions against lands; and creditors having executions against  
 lands only shall be entitled to share ratably with all others  
 any moneys realized under execution against goods.

Ratable distri-  
bution of  
property.

3. Section 20 of the said Act is amended by striking out  
 20 of the fourth line the words "served on the debtor," and by  
 substituting therefor the words "filed with the Clerk of the  
 County Court."

Rev. Stat. c.  
65, s. 20,  
amended.

4. Where any Division Court judgment or execution has  
 or shall hereafter be filed with any sheriff under *The Creditors'*  
 25 *Relief Act*, or a certificate for any claim within the jurisdiction  
 of the Division Court, and the same is not paid in full, and the  
 Sheriff is unable to make the money thereon, the creditor may  
 obtain a return thereof from the Sheriff according to the facts,  
 and file the same with the Clerk of the Division Court in  
 30 which the judgment was recovered, or in the place where the  
 cause of action arose, or the debtor, or one of the debtors, if  
 more than one, resided, and the Clerk of the Division Court  
 shall enter the same in his proper books, and it shall thereupon  
 become a judgment of the said court for the unpaid balance  
 35 due thereon as appearing by the Sheriff's return, and the claim  
 may be enforced in the same manner as any other judgment  
 of the Division Court. (R. S. O., 1887, ch. 65, s. 14.)

Enforcing  
division court  
claims.

5. Section 53 of *The Land Titles Act* is amended by  
 inserting in the third line of sub-section 1, immediately after  
 40 the word "shall," the following words: "upon the written  
 request of the party by whom such execution or other writ was  
 sued out or renewed or of his solicitor, but not otherwise."

Rev. Stat. c.  
116, s. 53 (1),  
amended.

No. 167.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the law as to Executions.

First Reading, 14th March, 1888.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



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No. 168.]

**BILL.**

[1888.

An Act respecting the Reference of Matters to  
Arbitration.

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Sub-section 1 of section 101 of *The Judicature Act*, and  
5 sub-section 1 of section 7 of *The Act respecting Arbitrations  
and References*, are hereby amended by adding at the end of  
the said sub-sections respectively, the following words :—

Rev. Stat.  
c. 44, s. 101  
(1), and c. 53,  
s. 7 (1),  
amended.

“Provided always that no issue involving a question or  
charge of fraud shall be referred under the provisions of this  
10 Act, except with the consent of all the parties to the issue.”

No. 168.

2nd Session, 6th Legislature, 51 Vic, 1888.

BILL.

An Act respecting the Reference of Matters  
to Arbitration.

First Reading, 14th March, 1888.

MR. CONMER

TORONTO:

PRINTED BY WARWICK & SOSS, 26 AND 28 FRONT ST. W.

## An Act to amend the Ontario Election Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 158 of *The Ontario Election Act* is hereby  
5 amended by adding the following sub-sections thereto:—

Rev. Stat. c.  
9, s. 158,  
amended.

(2) Any company or person who intimidates or attempts to intimidate or otherwise unduly influence a voter in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from  
10 voting at an election, shall, upon conviction, in addition to any other penalty provided by this Act, forfeit and pay to such voter a sum equal to six months' salary of such voter, together with all damages which such action may have caused such voter.

15 (3) Any company, person, or agent as aforesaid, who has discharged a voter from any employment or service on account of such voter having voted or refrained from voting at an election, or on account of such voter having supported or refrained from supporting any particular candidate at an  
20 election, shall, upon conviction, forfeit and pay to such voter a sum equal to one year's salary of such voter, together with all damages such voter may sustain on account of such dismissal; and in default of payment, the person or agent shall be  
25 less than three months nor more than one year, unless the said sum and damages are sooner paid.

No. 169.

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2nd Session, 6th Legislature, 51 Vic, 1888.

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BILL.

An Act to amend the Ontario Election Act.

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First Reading, March 14th, 1888.

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MR. CONNOR.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty-eight, and for other purposes therein mentioned.

MOST GRACIOUS SOVEREIGN :

**W**HEREAS it appears by messages from His Honour, the Preamble.  
Honourable Sir Alexander Campbell, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and eighty-eight; may it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three million two hundred and five thousand eight hundred and four dollars and twelve cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and eighty-eight as set forth in schedule A to this Act; and for the expenses of Legislation, Public Institutions' Maintenance, and salaries of the officers of the Government and Civil Service for the month of January, one thousand eight hundred and eighty-nine, as set forth in schedule B to this Act. \$3,205,804.12 granted out of the Consolidated Revenue Fund for certain purposes.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act, shall be laid before the Legislative Assembly at its next sitting. Accounts to be laid before the Legislature.

3. Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and eighty-eight, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off. Unexpended moneys.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty. Expenditure to be accounted for to Her Majesty.

## SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and eighty-eight, and the purposes for which they are granted.

## CIVIL GOVERNMENT.

*To defray the expenses of the several Departments at Toronto.*

Government House .....	\$ 1,850 00	
Lieutenant-Governor's Office .....	3,980 00	
Executive Council and Attorney-General's Office .....	16,560 00	
Education Department .....	21,400 00	
Crown Lands Department.....	49,750 00	
Department of Public Works .....	18,400 00	
Treasury Department .....	19,975 00	
Department of Agriculture .....	3,500 00	
Secretary and Registrar's Department.....	34,855 00	
Department of Immigration .....	1,600 00	
Inspection of Public Institutions .....	9,400 00	
Provincial Board of Health .....	6,975 00	
Miscellaneous .....	10,500 00	
		<u>\$198,745 00</u>

## LEGISLATION.

To defray expenses of Legislation.....	\$122,050 00
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## ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature .....	\$54,853 00	
Miscellaneous Criminal and Civil Justice .....	290,580 60	
Surrogate Judges and Local Masters.....	21,043 00	
		<u>\$366,476 60</u>

## EDUCATION.

To defray expenses of:—

Public and Separate Schools.....	\$240,000 00	
Schools in New and Poor Townships.. ..	25,000 00	
Model Schools .....	8,700 00	
Teachers' Institutes.....	2,000 00	
High Schools and Collegiate Institutes.....	92,100 00	
Training Institutes.....	2,100 00	
Inspection of Normal, High, Model, Public and Separate Schools.....	51,203 00	
Departmental Examinations .....	11,380 00	
Normal and Model Schools, Toronto.....	19,750 00	
Normal School, Ottawa.....	20,035 00	
Museum and Library.....	4,250 00	
School of Practical Science.....	7,594 00	
Mechanics' Institutes, Art Schools, Literary and Scientific .....	36,500 00	
Miscellaneous .....	2,500 00	
Superannuated Teachers.....	58,300 00	
		<u>\$581,412 00</u>

## PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of :—

Asylum for the Insane, Toronto.....	\$103,753 00	
Asylum for the Insane, London .....	122,542 00	
Asylum for the Insane, Kingston.....	86,911 00	
Asylum for the Insane, Hamilton.....	102,820 00	
Asylum for the Insane, Orillia .....	48,701 00	
Central Prison, Toronto .....	92,025 00	
Provincial Reformatory, Penetanguishene....	43,360 00	
Institution for the Deaf and Dumb, Belleville...	40,350 50	
Institution for the Blind, Brantford.....	34,226 00	
Mercer Reformatory for Females .....	30,976 00	
		705,664 5

## IMMIGRATION.

To defray expenses of a grant in aid of Immigration.....	8,000 00
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## AGRICULTURE.

To defray expenses of a grant in aid of Agriculture.....	141,931 00
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## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities.....	\$113,686 14
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## MAINTENANCE AND REPAIRS OF GOVERNMENT AND DEPARTMENTAL BUILDINGS.

Government House.....	\$ 8,174 00	
Parliament Buildings :—		
Main Buildings .....	10,374 26	
West Wing .....	3,274 20	
East Wing .....	4,524 20	
Education Department (Normal School Building) .....	8,700 00	
Rented premises, Wellington Street.....	2,900 00	
Rented premises, Simcoe Street .....	2,760 00	
Miscellaneous .....	3,042 00	
Normal School, Ottawa .....	3,350 00	
School of Practical Science .....	1,200 00	
Agricultural College .....	6,000 00	
Agricultural Hall .....	500 00	
Osgoode Hall .....	9,377 77	
		64,176 43

## PUBLIC BUILDINGS.

Asylum for the Insane, Toronto .....	63,990 60
Asylum for the Insane, London .....	54,387 00
Asylum for the Insane, Hamilton.....	86,229 39
Asylum for the Insane, Kingston .....	8,600 00
do Regiopolis Branch.....	200 00
Asylum for Idiots, Orillia.....	84,632 21
Reformatory, Penetanguishene.....	8,565 00
Reformatory for Females, Toronto .....	3,769 50
Central Prison, Toronto.....	2,400 00
Deaf and Dumb Institute, Belleville.....	5,152 00
Blind Institute, Brantford.....	2,536 50
Agricultural College, Guelph .....	7,150 00
Normal School and Education Depart't, Toronto	24,300 00
Normal School, Ottawa.....	2,800 00

PUBLIC INSTITUTIONS' MAINTENANCE—*Continued.*

School of Practical Science, Toronto .....	2,000 00	
Osgoode Hall, Toronto .....	2,000 00	
Government House, Toronto.....	3,000 00	
Parliament Buildings.....	2,000 00	
District of Algoma.....	6,450 00	
Thunder Bay District .....	1,800 00	
Rainy River District.....	1,300 00	
Muskoka District .....	500 00	
Parry Sound District.....	500 00	
Nipissing District .....	8,500 00	
Miscellaneous .....	300 00	
		383,062 20

## PUBLIC WORKS.

To defray expenses of Public Works .....	50,496 00
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## COLONIZATION ROADS.

To defray expenses of Construction and Repairs .....	106,650 00
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## CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands .....	101,900 00
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## REFUNDS.

Education.....	3,000 00	
Crown Lands.....	16,500 00	
Municipalities Fund.....	4,834 51	
Land Improvement Fund.....	3,619 74	
		27,954 25

## STATUTE CONSOLIDATION.

To defray expenses of consolidation of Statutes.....	21,500 00
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## MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure .....	82,100 00
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## UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses.....	50,000 00
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Total estimates for expenditure of 1888.....3,125,804 12

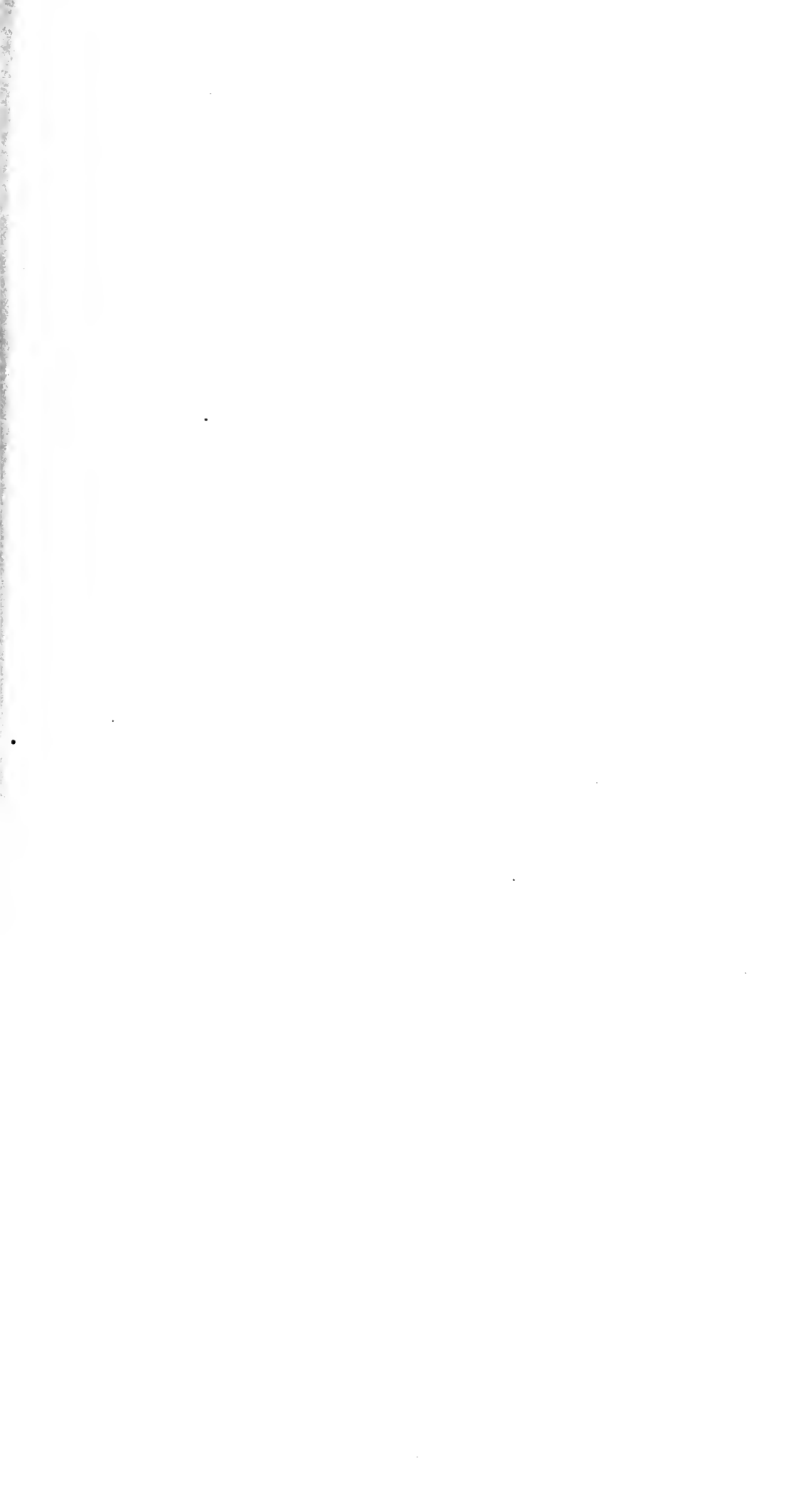
## SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and eighty-nine, and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1889.....	80,000 00
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Total.....\$3,205,804 12





BILL.

An Act for granting to Her Majesty certain sums of money to defray the expenses of the Civil Government for the year one thousand eight hundred and eighty-eight, and for other purposes therein mentioned.

First Reading,	21st	March,	1888
Second	"	21st	" 1888.
Third	"	21st	" 1888.

Mr. Ross,  
(*Huron.*)

The Municipal Amendment Act, 1888.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Municipal Amendment Act, 1888.* Short title.

2. Section 48 of *The Municipal Act* is hereby amended by adding thereto the following sub-section: Rev. Stat. c. 184, s. 48, amended.

(2) The treasurers of the senior county shall, upon being requested so to do, deliver to the treasurer of the new county the books relating to the municipalities within the new county required to be kept under Section 152 of *The Assessment Act.*

3. Section 49 of the said Act is hereby amended by adding thereto the following sub-sections: Rev. Stat. c. 184, s. 49, amended.

(2) All actions and proceedings in any court which may be pending at the date the establishment of the new county takes effect, may be prosecuted, continued and completed, and all writs of execution and other processes, and all acts and proceedings subsequent thereto, may, (subject to any order to the contrary being made), be taken, issued, and had in the county in which such actions and proceedings were originally commenced as fully and effectually as if the junior county had not been separated from the senior county; and subject to the provisions of the next sub-section, no writ or other process or proceeding shall lose its priority by reason of no entry thereof appearing or being in the proper office in that behalf in the new county; and all officers who would have had power or authority to execute such writ, process or proceedings, if the new county had not been formed, shall, for the purpose of all pending suits, actions and proceedings, have the same power and authority in respect of the same as if the dissolution had not taken place. Pending actions.

(3) This section shall not be held to authorize the sheriff of the senior county to execute within the new county any writ which is not in his hands at the time the dissolution takes effect, unless such writ depends for its priority upon a former writ executed by such sheriff or in his hands at the said time. Execution of writs.

(4) No unsatisfied writ against lands or goods in the hands of the sheriff of the union on the day the dissolution takes effect shall bind lands or goods situate within the limits of the new county, or have any effect upon such lands or goods after one year from the said day, unless the person entitled to the benefit of such unsatisfied writ, before the expiration of the said year shall have placed a writ against lands or goods (as Continuation of writs in hands of sheriff at time of dissolution.

the case may require) in the hands of the sheriff of the new county, indorsed with a notice that priority is claimed by virtue of this Act, in which case his writ in the hands of the sheriff of the senior county, if it, at the said time, did bind lands or goods within the territory included in the new county, shall continue to bind such lands or goods and shall retain its priority so long as such indorsed writ remains in force; provided such person shall not in the meantime have permitted his writ in the hands of the sheriff of the senior county to expire, or shall not have otherwise lost his priority. 5 10

Division  
Courts.

(5) The Lieutenant-Governor may, in the proclamation establishing the new county, or in a subsequent proclamation, fix and determine the number, limits and extent of the Division Courts for the new county, to take effect from a day to be named, subject to be thereafter altered under the provisions of *The Division Courts' Act*, and may by such proclamation direct that suits and proceedings which at the said day are pending or being in any Division Court therein specified, shall become suits or proceedings of any other Division Court therein specified, and thereupon such suits or proceedings may be continued in such last mentioned Court as if they had been commenced therein. 15 20

Chattel  
mortgages.

(6) All chattel mortgages relating to property within any of the township, cities, towns or incorporated villages forming the new county, at the date the proclamation takes effect, shall until their renewal becomes necessary to maintain their force against creditors, continue to be as valid and effectual in all respects as they would have been if the new county had not been formed, but in the event of a renewal of any such chattel mortgage after the date the proclamation takes effect, the renewal shall be filed in the proper office in that behalf in the new county as if the mortgage had originally been filed therein, together with a certified copy under the hand of the clerk and seal of the county court, and no chattel mortgage in force at the said date shall lose its priority by reason of its not being filed in the new county prior to its renewal. 25 30 35

Rev. Stat. c  
184, s. 63, re-  
pealed.

4. Section 65 of the said Act is hereby repealed, and the following substituted therefor:—

Certificates as  
to election and  
number of  
voters to be  
filed by reeves  
and deputy  
reeves.

65. (1) No reeve or deputy reeve shall take his seat in the county council until he has filed with the clerk of the county council a certificate of the township, village or town clerk, under his hand and the seal of the municipal corporation, that such reeve or deputy reeve was duly elected, and has made and subscribed the declarations of office and qualification, as such reeve or deputy reeve; nor, in case of a deputy reeve, until he has also filed with the clerk of the county an affirmation or declaration of the clerk or other person having the legal custody of the last revised voters' list for the municipality which he represents, that there appear upon such voters' list the names of at least 500 persons entitled to vote at municipal elections, for the first deputy reeve elected for the municipality, and that no alteration reducing the limits of the municipality, and the number of persons on said list entitled to vote at municipal elections, below 500 for each additional deputy reeve, has taken place since the said voters' list was last revised. 40 45 50 55

(2) In counting the names of voters referred to in this section, the name of the same person shall not be counted more than once in any municipality, whether the name of such person appears upon the voters' lists only once or more than  
5 once.

5. Section 67 of the said Act is hereby repealed, and the following substituted therefor:— Rev. Stat. c. 184, s. 67, repealed.

67. The declaration in section 65 mentioned may be in the following form:—

I, A. B., of \_\_\_\_\_, Gentleman, Clerk of the Township, (Town or Village, as the case may be) of \_\_\_\_\_, in the County of \_\_\_\_\_ do hereby declare and affirm as follows: Form of declaration as to number of voters.

(1) That I am the person having the legal custody of the last revised voters' list for the said Township (Town or Village as the case may be.)

(2) That there appear upon the said list the names of at least hundred (500 for each Deputy Reeve) persons entitled to vote at municipal elections in the said Township (Town or Village as the case may be.)

(3) That no alteration reducing the limits of the said municipality, and the number of persons entitled to vote at municipal elections, below hundred (500 for each Deputy Reeve), has taken place since the said list was last revised.

(4) That in counting the names of the voters on the said list, the names of the voters thereon have not, to the best of my information, knowledge or belief, been counted more than once, whether they appear upon the said list once or more than once.

A. B.

6. Section 73 of the said Act is hereby amended by adding thereto the following sub-sections: Rev. Stat. c. 184, sec. 73, amended.

(2) No person who has, or whose wife has, property duly rated on the last revised assessment roll, sufficient to qualify  
10 him as in the preceding sub-section required, shall be deemed to be disqualified by the alienation by sale or otherwise of the said property prior to the time of his election, provided that  
15 a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable estate of sufficient value to qualify him for election under the preceding sub-section.

(3) In the case of the election of a person qualified under  
20 the preceding sub-section, the oath of office under sub-section 2 of section 270 of this Act may be taken, striking out all the words thereof after the word "occupation" in the thirteenth line of the said sub-section, and inserting in lieu thereof the words "and I had such an estate actually rated on the last  
25 revised assessment roll of this Township (naming it) at an amount not less than \$2,000."

7. Section 107 of the said Act is hereby amended by adding thereto the following sub-sections:

(2) The council of any incorporated town, divided into  
30 wards may, by by-law, provide that the nomination for councillors for the several wards shall be held at the same time and place as the nomination for mayor, reeve and deputy reeve. Nomination of councillors in towns.

(3) Where no such by-law is passed the nomination of councillors in such towns shall take place as provided by section 109  
35 of the said Act.

(4) Notwithstanding anything herein contained, the council of any incorporated town or village may by by-law provide that the nomination for mayor, reeve, deputy reeve or reeves and councillors may be held at half past seven o'clock in the evening instead of at the hours and times in this Act mentioned. 5

Rev. Stat. c. 184, s. 109, amended.

8. Section 109 of the said Act is amended by adding thereto the following: "And the hour for the nomination of candidates for the offices of aldermen in cities, may, in and by the by-law fixing the places for such nomination, be fixed at half-past seven o'clock in the evening, instead of at noon." 10

Rev. Stat. c. 184, s. 263, amended.

9. Section 263 of the said Act is amended by adding the following sub-sections thereto:

Publication of statements of assets and liabilities.

(3) The council of every town, township and incorporated village shall hold a meeting on the fifteenth day of December in each year, or if such day happen to be a Sunday, then on the Monday following, and shall immediately thereafter publish a detailed statement of receipts and expenditure for the portion of the year ending on the day of such meeting, together with a statement of assets and liabilities and uncollected taxes. The said statement shall be signed by the mayor or reeve and by the treasurer, and shall be published forthwith in one or more newspapers of the municipality (if any) and in such other newspapers circulated in the municipality, as the Council may direct. 15 20 25

(a) Instead of publishing the said statement in any newspaper, the council may cause the same to be posted up, not later than the twenty-fourth day of December, in the offices of the clerk and of the treasurer, as well as at all the post offices in the municipality, and at not less than twelve other conspicuous places therein. 30

(4) The clerk shall procure not less than one hundred copies of the said statement and shall deliver or transmit by post to the electors who first request him to do so, one of such copies not later than the twenty-fourth day of December in each year, and shall also see that copies of the said statement are produced at the nomination. 35

Electoral districts exempt.

10. The provisions of the preceding section shall not apply to the municipalities situated in the electoral districts of East Algoma, West Algoma, North Hastings, North Renfrew, Muskoka, Parry Sound, or Haliburton. 40

Rev. Stat. c. 184, s. 271, repealed.

11. Section 271 of the said Act is hereby repealed, and the following substituted therefor:—

Declaration of office to be made by certain officers.

271. Every member of a municipal council, every mayor, and every clerk, assessor and collector appointed by a council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following:— 45

Form of declaration of office.

I, *A. B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), to which I have been elected (*or appointed*) in this township (*or as the case may be*), and that I have not received, and will not receive, any payment or reward, or promise of such, .

for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said corporation.

271 (a). Every returning officer, deputy returning officer, Declaration of  
poll clerk, constable and other officer appointed by a council returning offi-  
shall, before entering upon the duties of the office, make and cers and de-  
subscribe a solemn declaration to the effect following:— puties.

I, A. B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), to which I have been elected (*or appointed*) in this township (*or as the case may be*), and that I have not received, and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office.

5 **12.** The said Act is amended by adding thereto the following section 320 (a):—

320 (a) (1) Notwithstanding anything contained in the pre- Aid to manu-  
ceding section of this Act the vote of two-thirds in the affirm- facturers.  
ative of the ratepayers who are entitled to vote upon any  
10 by-law granting aid to or for promoting the establishment of  
a manufactory or manufacturing establishments, or for lending  
money to such company, person or establishment, or guaran-  
teeing the payment of money borrowed in any municipality,  
shall be necessary in order to the carrying of the by-law, and  
15 the words "two-fifths," where they appear in the said pre-  
ceding section shall not apply to the passage of such by-law,  
and for the purposes hereof the said section shall be read as if  
the words "two-thirds" instead of "two-fifths" were inserted  
therein.

20 (2) No municipality shall grant a bonus to a manufacturer  
under this section who proposes to establish an industry of a  
similar nature to one already established in such municipality  
without any such bonus ;

(3) No bonus shall be granted by a municipality to  
25 secure the removal thereto of an industry already established  
elsewhere in the Province ;

(4) No municipality shall grant a bonus in aid of any  
manufacturing industry, where the granting of such bonus  
would, for its payment, together with the payment of similar  
30 bonuses already granted by said municipality, require an  
annual levy for principal and interest, exceeding ten per cent.  
of the total annual municipal taxation thereof ;

(5) This section shall not apply to the districts of Muskoka,  
Parry Sound, Algoma East and Algoma West, nor to any of  
35 the municipalities therein, nor shall it affect any by-law  
heretofore adopted or passed, the vote taken thereon or the  
bonds on debentures issued or to be issued in pursuance thereof

**13.** Section 460 of the said Act is amended by adding  
thereto the following sub-sections : Rev. Stat. c  
184, s. 460,  
amended.

40 (4) Any two or more local municipalities shall have the  
same powers and rights as to acquiring, holding and maintain-  
ing an industrial farm, or acquiring, erecting and maintaining  
a house of industry or refuge as any county or city or united

or contiguous counties or city or town and county now have under and by virtue of this Act or otherwise, and may arrange with any other local municipality or municipalities for the admission upon such terms and conditions as may be agreed upon between them, of such other local municipality or municipalities to a joint ownership or occupancy or right of user by said other municipality or municipalities in or of said farm, house of industry or refuge. Any purchase or grant to or acquisition by two or more local municipalities of any such farm, or the erection of any such house of industry or refuge, or any agreement or by-law therefor or any agreement or by-law for the admission of any other local municipality to such joint ownership or right of user or occupation made, entered into or passed before the passing of this Act shall be as valid and binding for all purposes as though made, entered into or passed after the passing hereof.

(5) All the provisions of this Act relating to industrial farms, houses of industry or houses of refuge respectively, shall apply to any such local municipalities and to any industrial farm, house of industry or house of refuge acquired, erected, occupied or maintained thereby as fully as to any other municipality or municipalities in the preceding sub-section mentioned, or to any industrial farm, house of industry or house of refuge acquired, owned, erected, occupied or maintained by them, or any of them.

14. Sub-section 15 of section 479 of the said Act is hereby amended by inserting after the word "land" in the fifth line thereof the words "in or adjacent to the municipality."

Rev. Stat. c.  
184, s. 479,  
amended.

15. The said section 479 of the said Act is further amended by adding thereto the following as sub-section 16a.

(a) For regulating the size and strength of walls, beams, joists, rafters, roofs and their supports of all buildings to be erected or repaired within the municipality, and for compelling the production of the plans of all buildings for inspection, and for enforcing observance of such regulations.

Rev. Stat. c.  
184, s. 489(11),  
amended.

16. Sub-section 11 of section 489 of the said Act is hereby amended, by inserting the words "or cemetery or the cemetery company owning any burying-ground or cemetery" after the words "burying-ground," in the twelfth line of the said sub-section.

17. The said section 489 of the said Act is hereby further amend by adding thereto the following sub-section as 9 (a) thereof:—

Regulating  
transient  
traders.

9 (a) Or for requiring all traders or persons who are not entered upon the assessment roll who may offer goods or merchandise of any description for sale by auction, or in any other manner, conducted by themselves or by a licensed auctioneer, or by their agent or otherwise, to pay before commencing to trade a sum not to exceed \$50 by way of license, and for providing that the sum so paid as license shall be credited to the trader paying the same upon and on account of taxes for the unexpired portion of the then current year, as



well as any subsequent taxes, should such trader remain in the municipality a sufficient time for taxes to become due and payable by him, and in any other event to be taken and used by the municipality as a portion of the license fund of such municipality: but no such by-law shall affect, apply to, or restrict the sale of the stock of an insolvent estate which is being sold or disposed of within the municipality in which the insolvent carried on business therewith, at the time of the issue of a writ of attachment or of the execution of an assignment.

10 **18.** Section 509 of the said Act is amended by adding thereto the following sub-section:— Rev. Stat. c. 184, s. 509, amended.

(2) For making grants in aid of any High School or Collegiate Institute, or to build, preserve, enlarge or improve any High School or Collegiate Institute in any adjacent or other  
15 municipality.

**19.** The said Act is amended by adding thereto the following section 511 (a):—

511 (a) (1) The council of any county may pass a by-law providing that no sled, sleigh, or other vehicle upon runners (except cutters or pleasure sleighs) drawn by horses or other animals, shall be used by any person residing within the county for the conveyance of persons or goods, on any of the roads or highways within the county, unless the runners thereof shall be apart from each other at the bottom, at least, three feet, nine inches; Provided that no such by-law shall apply to any sled, sleigh or other vehicle upon runners owned or used by any person not resident within the said county. County council may pass by-law regulating the width of sleighs.

(2) The council in passing such by-law may exempt from its operation all sleds, sleighs or vehicles on runners owned by  
30 any persons resident within the county at the time of the passing of such by-law.

(3) The by-law shall not come into force until the expiration of one year from the time of the passing thereof, or such further time as the council may determine upon. When by law to come in force.

35 **20.** Section 521 of the said Act is hereby amended by adding thereto the following sub-sections:— Rev. Stat. c. 184, s. 521, amended.

(19) For regulating the distance from any public highway within the municipality within which unenclosed portable steam-engines may be used for running a saw mill or shingle mill, and preventing the use of the same for either of such purposes within such distance.  
40

(20) For imposing penalties on parties setting up or operating a portable steam-engine for either of such purposes in contravention of such by-law.

45 **21.** Sub-section 1, of section 522, of the said Act is amended by adding thereto the following words: "And if the council receiving such notice shall neglect the said duty, and by reason of such neglect any public road, street, bridge, or highway in either of the said townships shall be out of repair, the corporation in default, but not the corporation that served the  
50

Rev. Stat. c. 184, s. 522 (1), amended.

notice, shall, besides being subject to any punishment or proceeding provided by law, be civilly responsible for all damages sustained by any person by reason of such want of repair; but the action must be brought within three months after the damages have been sustained.

5

Rev. Stat. c. 184, s. 522 (2), is hereby repealed.

**22.** Sub-section 2 of the said section 522 of the said Act

Rev. Stat. c. 184, s. 532 amended.

**23.** Section 532 of the said Act is hereby amended by inserting in the seventh line thereof, after the word "streams," the words "or ponds or lakes," and also by inserting in the eleventh line of said section after the word "rivers," the words "or ponds or lakes."

Rev. Stat. c. 184, s. 535 amended.

**24.** Section 535 of the said Act is amended by adding the following sub-sections thereto:—

County council to keep river or stream free of driftwood.

(3) Where a river or stream forms a boundary line between two or more municipalities within a county, it shall be the duty of the council of the county to keep such river or stream free from all accumulation of driftwood or fallen timber now or hereafter accumulated.

Councils of counties, cities or separated towns to keep stream free from driftwood.

(4) In the case of any river or stream which forms a boundary line between two or more counties, or a county, city, or separated town, it shall be the duty of the councils of the county or counties, city and separated town respectively to keep such river or stream free from all accumulation of drifted or fallen timber now or hereafter accumulated; and in case the councils fail to agree as to the respective portion of the expense to be borne by the municipalities interested the same shall be decided by arbitration under the provisions of this Act, and the award made shall be final.

Section 630 of R. S. O. c. 184, repealed.

**25.** Section 630 of the said Act is hereby repealed and the following substituted therefor:—

Lighting and waterworks.

630—(1) In addition to the powers conferred upon the councils of townships, towns and incorporated villages by sections 612 to 628 both inclusive of this Act, the council of any such township, town or village, under and subject to the provisions of the said sections, may pass by-laws providing for lighting by electricity or otherwise, or for the construction of waterworks for the purpose of fire protection, or for such other purposes as are provided for by *The Municipal Waterworks Act*, and for exercising the powers in the said Act contained, or for developing motive power by water or by means of natural gas, or for either or all of the said purposes, and to lease, sell or otherwise dispose of such power.

Mode of assessing and levying cost of construction and maintenance.

(2.) The said council may by the same or any subsequent by-law define by metes and bounds, or otherwise, what real property will be immediately benefited by the proposed improvement, and is to be charged with the cost of such improvements or part thereof, and may also by such by-law make provision for assessing and levying on the property so defined the costs of managing and maintaining the said works; provided that the said council may by such by-law make provision for assessing and levying the costs of managing and

50

maintaining the said works, or any portion of such cost, upon the real property so defined, or upon the land alone which may be immediately benefited by said works, exclusive of any buildings or other fixtures erected or in the course of erection 5 thereon.

(3) The said council may contract for any term not exceeding twenty years, with any individual company, for the construction and maintenance by him or them of such works, and may pay over to such individual or company the rates collected under the last preceding sub-section; but no such contract shall be valid or binding until it shall have been confirmed by a by-law which has received, in the manner provided for in this Act, the assent of a majority of the ratepayers to be assessed for the construction and maintenance of 10 such work, or any part thereof. 15

Council may contract with individual or company for construction and maintenance of works.

(4) Sub-section 3 of section 612 of this Act shall not apply to any works constructed under the powers by this section conferred.

**26.** The said Act is amended by adding thereto the following as section 635 (a) : 20

635 (a) (1) In addition to the powers conferred by section 634 a portion of a township municipality which may be interested in securing the construction of a railway, or through or near which any such railway may pass or be situated, may aid the 25 said railway by granting money or debentures by way of bonus or gift, or by way of loan to such railway under and subject to the provisions hereinafter contained, provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the 30 qualified ratepayers of the said portion of the municipality in the manner provided in respect to granting aid by way of bonuses to railways.

Aid to railways by portions of townships.

(2) Before a by-law is submitted under this section to the vote of the ratepayers a petition shall be presented to the 35 council expressing the desire to aid the railway, and stating in what way and for what amount, and defining the portion of the township to be charged by metes and bounds, or lots and concessions, and shall be signed by fifty freeholders resident in such portion of the township, being duly qualified voters 40 under this Act.

(3) The by-law shall in each instance provide :

(a) For raising the amount petitioned for in the portion of the municipality mentioned in the petition by the issue of debentures of the municipality, and shall also provide for the delivery of the debentures or the application of the amount to be raised thereby as may be expressed in the said by-law. 45

(b) For assessing and levying upon all ratable property lying within the portion of the municipality defined in said by-law, an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years 50

with interest thereon payable yearly, or half yearly, which debentures the councils, reeves and other officers of the municipality are hereby authorized to execute and issue in such cases.

Rev. Stat. c. 184, s. 569 (3) amended. **27.** Sub-section 3, of section 569 of the said Act, is hereby amended by adding after the word "individuals," in the seventh line thereof, the words "and including roads held by counties or county councils." 5

Rev. Stat. c. 184, s. 618, amended. **28.** Section 618 of the said Act is amended by striking out the words "the extension, opening up and improving such street, lane, or alley," occurring in the 11th and 12th lines of the said section, and inserting in lieu thereof the words "such works or improvements." 10

Rev. Stat. c. 184, s. 619, amended. **29.** Section 619 of the said Act is amended by adding thereto the following sub-section:— 15

Assessment for local improvements in townships. (2) Or, in the case of a township, the council may, by by-law, provide that the cost of the works therein specified may be assessed and levied by a special rate upon the lands benefited thereby, according to the proportion of benefit received therefrom instead of by a frontage rate, as hereinbefore provided; and where the owners of real property have constructed works or improvements which might have been constructed by the municipality as local improvements, the council may, upon the petition of three-fourths of the owners of lands to be benefited by the acquisition of such works or improvements representing at least two-thirds in value thereof, acquire the same at a price to be fixed by agreement or by arbitration pursuant to this Act, and the purchase money therefor may be raised, assessed, and levied, as for local improvements, upon the real property benefited thereby, as above provided. 20 25 30

(a) The number of the owners petitioning for the said assessment, and the value of the real property which they represent, may be ascertained and finally determined in such manner and by such means as are provided by by-law in that behalf, subject to an appeal to the judge of the County Court as in the case of other special assessments for local improvements. 35

Power to acquire water rights. **30.** Every municipal corporation may acquire by purchase demise or gift the right or title to any stream, river, creek, waters water power, water course or lands situate, being or flowing in or through any such municipality, or within three miles thereof, and build, erect, make, preserve, improve, renew, widen or alter any dam or dams, water gates, waste gates, weirs or flumes upon, over or across any such stream, river, creek, waters, water course or lands, and make, dig, widen, preserve, alter or improve any raceway or raceways leading to or from any such dam or dams, for the purpose of obtaining power to run or drive the necessary machinery for supplying electric light or heat. 40 45

Power to sell rights. **31.** Every municipal corporation may sell, grant, convey or demise to any person or persons whomsoever, or to any company or companies, corporation or corporations, any right, title or interest, or any portion of any right, title or interest which 50

such municipality may have in or to the said stream, river, creek, water, water power, water course, dam, gates, flumes or lands beyond such part thereof as the corporation may deem necessary to retain for the purpose of supplying power for the  
 5 purpose of running the electric machinery aforesaid, for such price, rents or consideration, and upon such terms and conditions as may be deemed advisable in the interests of such municipality; and may make or enter into any agreement or covenant with the grantee or lessee of any such right, title or  
 10 interest as to preserving, improving, renewing, widening, repairing, maintaining or altering any such dam, raceways, gates, weirs, flumes, or any of them, or any portion or portions thereof, or as to the cleansing or removing of debris, ice or deposits from such stream, river, creek, water, water course,  
 15 raceways or flumes.

**32.** When any township municipality is divided by Act of this Legislature for municipal purposes, all school sections which may, by such division, be situated partly in each of the newly formed municipalities, shall be deemed union sections  
 20 until otherwise altered under the provisions of *The Public Schools Act*.

**33.** When any portion of a township municipality is annexed to a city or town by proclamation, the portion so annexed shall, for all school purposes, be deemed to be part of such city or town, subject to all existing liabilities and obligations that may have been incurred at the date of such proclamation; provided always that when the portion annexed does not include the whole of any contiguous school section, the respective municipalities shall appoint an arbitrator, who, with the  
 25 senior county judge of the county, shall value and adjust, in an equitable manner, the rights and claims of all parties affected by such annexation, and who shall determine by what municipality or portion thereof the same shall be settled, and the award of said arbitrators shall be final and conclusive.

**34.** The two preceding sections of Act shall apply to all townships divided by Act of this Legislature, and to all proclamations issued since the first day of January, 1887.

**35.** This Act shall come into force on the first day of August, 1888, and shall be read with and as part of *The Municipal Act*.

School sections  
in townships  
divided by  
special Act.

Provisions as  
to schools  
when territory  
added to a  
municipality.

Application of  
Act.

Commence-  
ment of Act.

No 171.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Municipal Act

First Reading, 16th March, 1888.

Mr. HARDY.

TORONTO :

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## The Municipal Amendment Act, 1888.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Municipal Amendment Act, 1888*, and shall come into force on the 1st day of August, 1888, except as to section 16, which shall come into force on the 1st day of November, 1888.

Commence-  
ment of Act.

2. Section 24 of *The Municipal Act* is amended by adding thereto the following sub-sections:

Rev. Stat. c.  
184, s. 24,  
amended.

(4) In case a petition signed by one hundred and fifty qualified municipal electors of any town or incorporated village, be presented to the council of such town or incorporated village asking that a by-law be submitted for the annexation of such town or incorporated village to an adjacent village, town or city, either unconditionally or upon such terms as may be set out in said petition, it shall be the duty of such council to submit a by-law for the annexation of the said incorporated village or town to the vote of the municipal electors of the said town or incorporated village, and said council shall forthwith prepare a by-law directing the submission of the question in accordance with the prayer of the petition, and shall submit the same to the said municipal electors for approval or otherwise within four weeks after the receipt of the petition by the said council.

(5) A by-law which is duly carried, under the provisions of the last preceding sub-section, by the vote of the municipal electors of said town or incorporated village shall, within a reasonable time, but not exceeding one month thereafter, be adopted by said council.

(6) Thereupon the council of such adjacent village, town, or city may, by resolution, assent to the annexation of such town or incorporated village aforesaid.

(7) In the event of the annexation of any such town or incorporated village as aforesaid having been approved of and assented to in manner hereinbefore provided, the same shall be carried into effect by proclamation of the Lieutenant-Governor in Council, as hereinbefore provided.

3. Section 48 of the said Act is hereby amended by adding thereto the following sub-section:

Rev. Stat.  
c. 184, s. 48,  
amended.

(2) The treasurers of the senior county shall, upon being requested so to do, deliver to the treasurer of the new county the books relating to the municipalities within the new county required to be kept under Section 152 of *The Assessment Act*.

Rev. Stat.  
c. 184, s. 49,  
amended.

Pending ac-  
tions.

4. Section 49 of the said Act is hereby amended by adding thereto the following sub-sections :

(2) All actions and proceedings in any court which may be pending at the date the establishment of the new county takes effect, may be prosecuted, continued and completed, and all writs of execution and other processes, and all acts and proceedings subsequent thereto, may, (subject to any order to the contrary being made), be taken, issued, and had in the county in which such actions and proceedings were originally commenced as fully and effectually as if the junior county had not been separated from the senior county ; and subject to the provisions of the next sub-section, no writ or other process or proceeding shall lose its priority by reason of no entry thereof appearing or being in the proper office in that behalf in the new county ; and all officers who would have had power or authority to execute such writ, process or proceedings, if the new county had not been formed, shall, for the purpose of all pending suits, actions and proceedings, have the same power and authority in respect of the same as if the dissolution had not taken place.

Execution of  
writs.

(3) This section shall not be held to authorize the sheriff of the senior county to execute within the new county any writ which is not in his hands at the time the dissolution takes effect, unless such writ depends for its priority upon a former writ executed by such sheriff or in his hands at the said time.

Continuation  
of writs in  
hands of  
sheriff at time  
of dissolution.

(4) No unsatisfied writ against lands or goods in the hands of the sheriff of the union on the day the dissolution takes effect shall bind lands or goods situate within the limits of the new county, or have any effect upon such lands or goods after one year from the said day, unless the person entitled to the benefit of such unsatisfied writ, before the expiration of the said year shall have placed a writ against lands or goods (as the case may require) in the hands of the sheriff of the new county, indorsed with a notice that priority is claimed by virtue of this Act, in which case his writ in the hands of the sheriff of the senior county, if it, at the said time, did bind lands or goods within the territory included in the new county, shall continue to bind such lands or goods and shall retain its priority so long as such indorsed writ remains in force ; provided such person shall not in the meantime have permitted his writ in the hands of the sheriff of the senior county to expire, or shall not have otherwise lost his priority.

Division  
Courts.

(5) The Lieutenant-Governor may, in the proclamation establishing the new county, or in a subsequent proclamation, fix and determine the number, limits and extent of the Division Courts for the new county, to take effect from a day to be named, subject to be thereafter altered under the provisions of *The Division Courts' Act*, and may by such proclamation direct that suits and proceedings which at the said day are pending or being in any Division Court therein specified, shall become suits or proceedings of any other Division Court therein specified, and thereupon such suits or proceedings may be continued in such last mentioned Court as if they had been commenced therein.

Chattel  
mortgages.

(6) All chattel mortgages relating to property within any of the township, cities, towns or incorporated villages forming the new county, at the date the proclamation takes effect, shall



until their renewal becomes necessary to maintain their force against creditors, continue to be as valid and effectual in all respects as they would have been if the new county had not been formed, but in the event of a renewal of any such chattel mortgage after the date the proclamation takes effect, the renewal shall be filed in the proper office in that behalf in the new county as if the mortgage had originally been filed therein, together with a certified copy under the hand of the clerk and seal of the county court, and no chattel mortgage in force at the said date shall lose its priority by reason of its not being filed in the new county prior to its renewal.

5. Section 65 of the said Act is hereby repealed, and the following substituted therefor:—

Rev. Stat. c. 184, s. 63, repealed.

65.—(1) No reeve or deputy reeve shall take his seat in the county council until he has filed with the clerk of the county council a certificate of the township, village or town clerk, under his hand and the seal of the municipal corporation, that such reeve or deputy reeve was duly elected, and has made and subscribed the declarations of office and qualification, as such reeve or deputy reeve; nor, in case of a deputy reeve, until he has also filed with the clerk of the county an affirmation or declaration of the clerk or other person having the legal custody of the last revised voters' list for the municipality which he represents, that there appear upon such voters' list the names of at least 500 persons entitled to vote at municipal elections, for the first deputy reeve elected for the municipality, and that no alteration reducing the limits of the municipality, and the number of persons on said list entitled to vote at municipal elections, below 500 for each additional deputy reeve, has taken place since the said voters' list was last revised.

Certificates as to election and number of voters to be filed by Reeves and deputy Reeves.

(2) In counting the names of voters referred to in this section, the name of the same person shall not be counted more than once in any municipality, whether the name of such person appears upon the voters' lists only once or more than once.

6. Section 67 of the said Act is hereby repealed, and the following substituted therefor:—

Rev. Stat. c. 184, s. 67, repealed.

67. The declaration in section 65 mentioned may be in the following form:—

I, A. B., of \_\_\_\_\_, Gentleman, Clerk of the Township, (Town or Village, as the case may be) of \_\_\_\_\_, in the County of \_\_\_\_\_ do hereby declare and affirm as follows:

Form of declaration as to number of voters.

(1) That I am the person having the legal custody of the last revised voters' list for the said Township (Town or Village as the case may be.)

(2) That there appear upon the said list the names of at least hundred (500 for each Deputy Reeve) persons entitled to vote at municipal elections in the said Township (Town or Village as the case may be.)

(3) That no alteration reducing the limits of the said municipality, and the number of persons entitled to vote at municipal elections, below hundred (500 for each Deputy Reeve), has taken place since the said list was last revised.

(4) That in counting the names of the voters on the said list, the names of the voters thereon have not, to the best of my information, knowledge or belief, been counted more than once, whether they appear upon the said list once or more than once.

A. B.

7. Sub-section (1) of section 69 of the said Act is

Rev. Stat. c. 184, s. 69 (1), amended.

amended by striking out all the words in the said sub-section from the word "and," in the seventh line thereof, to the word "deputy reeve," in the thirteenth line thereof, both inclusive and substituting the following words in lieu thereof: "and if the town had the names of 500 persons entitled to vote at municipal elections on the last revised voters' list, then a deputy reeve shall be added, and for every 500 additional names of persons so entitled to vote on such list there shall be elected an additional deputy reeve."

Rev. Stat. c. 184, ss. 70, 71, repealed. **8.** Sections 70 and 71 of the said Act are hereby repealed and the following substituted therefor:

**70.** The council of every incorporated village shall consist of one reeve, who shall be the head thereof, and four councillors, and if the village has the names of 500 persons entitled to vote at municipal elections on the last revised voters' list, then of a reeve, deputy reeve and three councillors, and for every additional 500 names of persons entitled to vote on such list there shall be elected an additional deputy reeve instead of a councillor.

**71.** The council of every township shall consist of a reeve, who shall be the head thereof, and four councillors, one councillor being elected for each ward, where the township is divided into wards, and the reeve to be elected by a general vote; but if the township had the names of 500 persons entitled to vote at municipal elections on the last revised voters' list, then the council shall consist of a reeve, deputy reeve and three councillors, and for every 500 additional names of persons entitled to vote on such list, there shall be elected an additional deputy reeve instead of a councillor.

Rev. Stat. c. 184, sec. 73, amended. **9.** Section 73 of the said Act is hereby amended by adding thereto the following sub-sections:

When alienation of property rated not to disqualify. (2) No person who has, or whose wife has, property duly rated on the last revised assessment roll, sufficient to qualify him as in the preceding sub-section required, shall be deemed to be disqualified by the alienation by sale or otherwise of the said property between the date of the return of the assessment roll and the time of his election, provided that at the time of his election such person is resident within the municipality and has, or his wife has, as proprietor or tenant, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable estate of sufficient assessed value to qualify him for election under the preceding sub-section.

Rev. Stat. c. 184, sec. 107, amended. (3) In the case of the election of a person qualified under the preceding sub-section, the oath of office under sub-section 2 of section 270 of this Act may be taken, striking out all the words thereof after the word "occupation" in the thirteenth line of the said sub-section, and inserting in lieu thereof the words "and I had such an estate actually rated on the last revised assessment roll of this Township (naming it) at an amount not less than \$2,000."

Rev. Stat. c. 184, s. 107, amended. **10.** Section 107 of the said Act is hereby amended by adding thereto the following sub-sections:

Nomination of councillors in towns. (2) The council of any incorporated town, divided into wards may, by by-law, provide that the nomination for coun-

cillors for the several wards shall be held at the same time and place as the nomination for mayor, reeve and deputy reeve.

(3) Where no such by-law is passed the nomination of councillors in such towns shall take place as provided by section 109 of the said Act.

(4) Notwithstanding anything herein contained; the council of any incorporated town or village may by by-law provide that the nomination for mayor, reeve, deputy reeve or reeves and councillors may be held at half past seven o'clock in the evening instead of at the hours and times in this Act mentioned.

11. Section 109 of the said Act is amended by adding thereto the following: "And the hour for the nomination of candidates for the offices of aldermen in cities, may, in and by the by-law fixing the places for such nomination, be fixed at half-past seven o'clock in the evening, instead of at noon."

Rev. Stat. c. 184, s. 109, amended.

12. Section 167 is amended by adding to the first subsection the following article:

Rev. Stat. c. 184, s. 167, amended.

(f) Apply for a ballot paper in the name of some other person, whether that name is of a person living or dead, or of a fictitious person, or having voted once and not being entitled to vote again at an election shall apply at the same election for a ballot paper in his own name. This provision is not to be construed as including a person who applies for such ballot paper believing that he is the person intended by the name entered on the voters' list in respect of which he so applies for a ballot paper.

13. Section 263 of the said Act is amended by adding the following sub-sections thereto:

Rev. Stat. c. 184, s. 263, amended.

(3) The council of every town, township and incorporated village shall hold a meeting on the fifteenth day of December in each year, or if such day happen to be a Sunday, then on the Monday following, and shall immediately thereafter publish a detailed statement of receipts and expenditure for the portion of the year ending on the day of such meeting, together with a statement of assets and liabilities and uncollected taxes. The said statement shall be signed by the mayor or reeve and by the treasurer, and shall be published forthwith in one or more newspapers of the municipality (if any) and in such other newspapers circulated in the municipality, as the Council may direct.

Publication of statements of assets and liabilities.

(a) Instead of publishing the said statement in any newspaper, the council may cause the same to be posted up, not later than the twenty-fourth day of December, in the offices of the clerk and of the treasurer, as well as at all the post offices in the municipality, and at not less than twelve other conspicuous places therein.

(4) The clerk shall procure not less than one hundred copies of the said statement and shall deliver or transmit by post to the electors who first request him to do so, one of such copies

not later than the twenty-fourth day of December in each year and shall also see that copies of the said statement are produced at the nomination.

Electoral districts exempt. **14.** The provisions of the preceding section shall not apply to the *township* municipalities situated in the electoral districts of East Algoma, West Algoma, North Renfrew, Muskoka, Parry Sound, or Haliburton. 5

Rev. Stat. c. 184, s. 271. repealed. **15.** Section 271 of the said Act is hereby repealed, and the following substituted therefor:—

Declaration of office to be made by certain officers. **271.** Every member of a municipal council, every mayor, and every clerk, treasurer, assessor and collector, engineer or clerk of works and street overseer or Commissioner appointed by a council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following:— 15

Form of declaration of office. I, *A. B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), to which I have been elected (or appointed) in this township (*or as the case may be*), and that I have not received, and will not receive, any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said corporation. 20

Declaration of returning officers and deputies. **271 (a).** Every returning officer, deputy returning officer, poll clerk, constable and other officer appointed by a council shall, before entering upon the duties of the office, make and subscribe a solemn declaration to the effect following:— 25

I, *A. B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), to which I have been elected (or appointed) in this township (*or as the case may be*), and that I have not received, and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office. 30 35

**16.** The said Act is amended by adding thereto the following as section 320 (a):—

Aid to manufacturers. **320 (a)—(1)** Notwithstanding anything contained in the preceding section of this Act the vote of two-thirds in the affirmative of the ratepayers who are entitled to vote upon any by-law granting aid to or for promoting the establishment of a manufactory or manufacturing establishments, or for lending money to such company, person or establishment, or guaranteeing the payment of money borrowed in any municipality, shall be necessary in order to the carrying of the by-law, and the words "two-fifths," where they appear in the said preceding section shall not apply to the passage of such by-law, and for the purposes hereof the said section shall be read as if the words "two-thirds" instead of "two-fifths" were inserted therein. 40 45 50

(2) No municipality shall grant a bonus to a manufacturer under this section who proposes to establish an industry of a similar nature to one already established in such municipality without any such bonus;

(3) No bonus shall be granted by a municipality to secure the removal thereto of an industry already established elsewhere in the Province ;

(4) No municipality shall grant a bonus in aid of any manufacturing industry, where the granting of such bonus would, for its payment, together with the payment of similar bonuses already granted by said municipality, require an annual levy for principal and interest, exceeding ten per cent. of the total annual municipal taxation thereof ;

(5) This section shall not apply to the districts of Muskoka, Parry Sound, Algoma East and Algoma West, nor to any of the municipalities therein, nor shall it affect any by-law heretofore adopted or passed, the vote taken thereon or the bonds or debentures issued or to be issued in pursuance thereof

17. Section 436 of the said Act is amended by adding the following sub-section thereto:—

Rev. Stat. c.  
184, s. 436,  
amended.

(4) The board of commissioners of police shall also regulate and control children engaged as :

(a) Express or despatch messengers.

(b) Vendors of newspapers and small wares.

(c) Bootblacks.

18. Section 460 of the said Act is amended by adding thereto the following sub-sections :

Rev. Stat. c.  
184, s. 460.  
amended.

(4) Any two or more local municipalities shall have the same powers and rights as to acquiring, holding and maintaining an industrial farm, or acquiring, erecting and maintaining a house of industry or refuge as any county or city or united or contiguous counties or city or town and county now have under and by virtue of this Act or otherwise, and may arrange with any other local municipality or municipalities for the admission upon such terms and conditions as may be agreed upon between them, of such other local municipality or municipalities to a joint ownership or occupancy or right of user by said other municipality or municipalities in or of said farm, house of industry or refuge. Any purchase or grant to or acquisition by two or more local municipalities of any such farm, or the erection of any such house of industry or refuge, or any agreement or by-law therefor or any agreement or by-law for the admission of any other local municipality to such joint ownership or right of user or occupation made, entered into or passed before the passing of this Act shall be as valid and binding for all purposes as though made, entered into or passed after the passing hereof.

(5) All the provisions of this Act relating to industrial farms, houses of industry or houses of refuge respectively, shall apply to any such local municipalities and to any industrial farm, house of industry or house of refuge acquired, erected, occupied or maintained thereby as fully as to any other municipality or municipalities in the preceding sub-section mentioned, or to any industrial farm, house of industry or house of refuge acquired, owned, erected, occupied or maintained by them, or any of them.

Rev. Stat.  
c. 184, s. 462,  
amended.

19. Section 462 of the said Act is amended by adding the following sub-sections thereto:—

(3) For erecting and establishing within a city having a population of 50,000 and upwards an institution for the reclamation and cure of habitual drunkards.

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(4) For committing and sending with or without hard labour to the institution for the reclamation and cure of habitual drunkards by the mayor, police magistrate or justice of the peace, while having jurisdiction in the municipality, such drunkards as are set forth or referred in section 369 of chapter 48 of the Acts passed in the thirty-sixth year of Her Majesty's reign, and as may by the council be deemed and by by-law be declared expedient.

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(5) In the event of any city establishing an institution for the reclamation and cure of habitual drunkards under the provisions of this Act, sections 97 to 108, both inclusive, of chapter 246 of the Revised Statutes of Ontario, 1887; shall be applicable thereto as if such institution had been named in said Act.

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Rev. Stat. c.  
184, s. 479 (15),  
amended.

20. Sub-section 15 of section 479 of the said Act is hereby amended by inserting after the word "land" in the fifth line thereof the words "in or adjacent to the municipality," and by striking out the word "subject" in the sixth line thereof, and inserting in lieu thereof the following words "and 'for entering upon, taking or using any land not adjacent to 'the municipality for the purpose of providing an outlet for 'any sewer, but subject always."

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Rev. Stat. c.  
184, s. 479,  
amended.

21. The said section 479 of the said Act is further amended by adding thereto the following as sub-section 16a:

(a) For regulating the size and strength of walls, beams, joists, rafters, roofs and their supports of all buildings to be erected or repaired within the municipality, and for compelling the production of the plans of all buildings for inspection, and for enforcing observance of such regulations.

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Rev. Stat. c.  
184, s. 489 (11),  
amended.

22. Sub-section 11 of section 489 of the said Act is hereby amended, by inserting the words "or cemetery or the cemetery company owning any burying-ground or cemetery" after the words "burying-ground," in the twelfth line of the said sub-section.

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Rev. Stat., c.  
184, s. 489,  
amended.

23. The said section 489 of the said Act is hereby further amended by adding thereto the following sub-section as sub-section 9 (a) thereof:—

Regulating  
transient  
traders.


9 (a) Or for requiring all transient traders who occupy premises in the municipality, and are not entered upon the assessment roll in respect of income or personal property, and who may offer goods or merchandise of any description for sale by auction, or in any other manner, conducted by themselves or by a licensed auctioneer, or by their agent or otherwise, to pay before commencing to trade a sum, in cities, not to exceed \$100, and in other municipalities not to exceed \$50 by way of license, and for providing that the sum so paid as license shall be credited to the trader paying the same upon and on account of taxes for the unexpired portion of the then current year, as well as any subsequent taxes, should such

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trader remain in the municipality a sufficient time for taxes to become due and payable by him, and in any other event to be taken and used by the municipality as a portion of the license fund of such municipality: but no such by-law shall affect, apply to, or restrict the sale of the stock of an insolvent estate which is being sold or disposed of within the municipality in which the insolvent carried on business therewith, at the time of the issue of a writ of attachment or of the execution of an assignment.

**24.** Section 505 of the said Act is hereby amended by adding thereto, at the end thereof, the words following:— Rev. Stat. c. 184, s. 505, amended.

“ Provided always that where any city having a population in excess of fifty thousand shall have constructed gas or water works under the authority of this Act, or under the authority of *The Municipal Water Works Act 1882*, or under the authority of any special Act or Acts, or shall hereafter construct such works under the authority of the said Acts or any future amendments of the same, and shall have raised the money for the purchase or construction of such works, or shall hereafter so raise the same by a general rate on the whole of the assessable property of the said corporation, under a by-law or by-laws lawfully passed or to be passed, it shall be lawful for the council of the city to raise on the credit of the said corporation such further sums as may be necessary to extend or improve the said works from time to time on the whole ratable property of the said corporation by by-laws to be passed as required by sub-section 14 of section 504 of this Act, and without complying with the requirements of this section,” and it shall not be necessary to obtain the assent of the electors or ratepayers to such by-law or by-laws, provided the same shall first be approved of by the Lieutenant-Governor in Council, it being first shewn to the satisfaction of the Lieutenant-Governor in Council that the proposed extensions are necessary, and that a sufficient additional revenue will be derived therefrom to meet the annual special rate required to pay the new debt and interest; and provided also that on the final passing of such by-law or by laws, three-fourths of all the members of the Council shall vote in favour of the same. 

**25.** Section 509 of the said Act is amended by adding thereto the following sub-section:— Rev. Stat. c. 184, s. 509, amended.

(2) For making grants in aid of any High School or Collegiate Institute, or to build, preserve, enlarge or improve any High School or Collegiate Institute in any adjacent or other municipality.

**26.** The said Act is amended by adding thereto the following section 511 (a):—

511 (a) (1) The council of any county may pass a by-law providing that no sled, sleigh, or other vehicle upon runners (except cutters or pleasure sleighs) drawn by horses or other animals, shall be used by any person residing within the county for the conveyance of persons or goods, on any of the roads or highways within the county, unless the runners thereof shall be apart from each other at the bottom, at least, three feet, nine inches; Provided that no such by-law shall County council may pass by-law regulating the width of sleighs.

apply to any sled, sleigh or other vehicle upon runners owned or used by any person not resident within the said county.

(2) The council in passing such by-law may exempt from its operation all sleds, sleighs or vehicles on runners owned at the time of the passing of such by-law by any persons 5 resident within the county.

When by law to come in force.

(3) The by-law shall not come into force until the expiration of one year from the time of the passing thereof, or such further time as the council may determine upon.

Rev. Stat. c. 184, s. 521, amended.

**27.** Section 521 of the said Act is hereby amended by 10 adding thereto the following sub-sections:—

(19) For regulating the distance from any public highway within the municipality within which unenclosed portable steam-engines may be used for running a saw mill or shingle mill, and preventing the use of the same for either of such 15 purposes within such distance.

(20) For imposing penalties on parties setting up or operating a portable steam-engine for either of such purposes in contravention of such by-law.

Rev. Stat. c. 184, s. 522 (1), amended.

**28.** Sub-section 1, of section 522, of the said Act is amended 20 by adding thereto the following words: "And if the council receiving such notice shall neglect the said duty, and by reason of such neglect any public road, street, bridge, or highway in either of the said townships shall be out of repair, the corporation in default, but not the corporation that served the 25 notice, shall, besides being subject to any punishment or proceeding provided by law, be civilly responsible for all damages sustained by any person by reason of such want of repair; but the action must be brought within three months after the 30 damages have been sustained.

Rev. Stat. c. 184, s. 522 (2), repealed.

**29.** Sub-section 2 of the said section 522 of the said Act is hereby repealed.

Rev. Stat. c. 184, s. 532 amended.

**30.** Section 532 of the said Act is hereby amended by inserting in the seventh line thereof, after the word "streams," the words "or ponds or lakes," and also by inserting in the 35 eleventh line of said section after the word "rivers," the words "or ponds or lakes."

Rev. Stat. c. 184, s. 535 amended.

**31.** Section 535 of the said Act is amended by adding the following sub-sections thereto:—

County council to keep river or stream free of drift-wood.

(3) Where a river or stream forms a boundary line between 40 two or more municipalities within a county, it shall be the duty of the council of the county to keep such river or stream free from all accumulation of driftwood or fallen timber now or hereafter accumulated.

Councils of counties, cities or separated towns to keep stream free from drift-wood.

(4) In the case of any river or stream which forms a bound- 45 ary line between two or more counties, or a county, city, or separated town, it shall be the duty of the councils of the county or counties, city and separated town respectively to keep such river or stream free from all accumulation of drifted or fallen timber now or hereafter accumulated; and in case the 50



councils fail to agree as to the respective portion of the expense to be borne by the municipalities interested the same shall be decided by arbitration under the provisions of this Act, and the award made shall be final.

5 **32.** Sub-section 1 of section 550 of the said Act is amended by inserting after the word "contained," in the seventh line thereof, the words "for setting apart and laying out such portions of any such roads, streets, squares, alleys, lanes, bridges or other communications, as the council may deem  
10 necessary or expedient for the purposes of carriage ways, boulevards and sidewalks, or for the improvement or beautifying of the same.

Rev. Stat. c.  
184, s. 550,  
amended.

**33.** Section 613 of the said Act is amended by adding thereto a sub-section as follows:—

Rev. Stat. c.  
184, s. 613,  
amended.

15 **(2)** In any case where in order to afford an outlet for the sewerage and drainage of real property other than that fronting or abutting upon the street in which a sewer shall hereafter be constructed, such sewer shall be constructed of a larger capacity than that required for the efficient sewerage  
20 and drainage of the real property fronting or abutting upon the street, then, and in every such case, the council may impose a special assessment upon the other real property benefited by the construction of such sewer in the manner hereinafter provided by sections 618 and 619 of this Act.

25 **34.** The said Act is amended by adding thereto the following as section 635 (a):

635 (a)—(1) In addition to the powers conferred by section 634 a portion of a township municipality which may be interested in securing the construction of a railway, or through or near  
30 which any such railway may pass or be situated, may aid the said railway by granting money or debentures by way of bonus or gift, or by way of loan to such railway under and subject to the provisions hereinafter contained, provided always that such aid shall not be given except after the passing of a by-  
35 law for the purpose, and the adoption of such by-law by the qualified ratepayers of the said portion of the municipality in the manner provided in respect to granting aid by way of bonuses to railways.

Aid to rail-  
ways by por-  
tions of  
townships.

(2) Before a by-law is submitted under this section to the  
40 vote of the ratepayers a petition shall be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and defining the portion of the township to be charged by metes and bounds, or lots and concessions, and shall be signed by fifty freeholders resident  
45 in such portion of the township, being duly qualified voters under this Act.

(3) The by-law shall in each instance provide:

50 (a) For raising the amount petitioned for in the portion of the municipality mentioned in the petition by the issue of debentures of the municipality, and shall also provide for the delivery of the debentures or the application of the amount to be raised thereby as may be expressed in the said by-law.

(b) For assessing and levying upon all ratable property lying within the portion of the municipality defined in said by-law, an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly, or half yearly, which debentures the councils, reeves and other officers of the municipality are hereby authorized to execute and issue in such cases. 5

Rev. Stat. c. 184, s. 569 (3) amended.

**35.** Sub-section 3, of section 569 of the said Act, is hereby 10 amended by adding after the word "individuals," in the seventh line thereof, the words "and including roads held by counties or county councils."

Rev. Stat. c. 184, s. 618, amended.

**36.** Section 618 of the said Act is amended by striking out the words "the extension, opening up and improving such street, lane, or alley," occurring in the 11th and 12th lines of the said section, and inserting in lieu thereof the words "such works or improvements." 15

Rev. Stat. c. 184, s. 619, amended.

**37.** Section 619 of the said Act is amended by adding thereto the following sub-section:— 20

Assessment for local improvements in townships.

(2) Or, in the case of a township, the council may, by by-law, provide that the cost of the works therein specified may be assessed and levied by a special rate upon the lands benefited thereby, according to the proportion of benefit received therefrom instead of by a frontage rate, as hereinbefore provided; and where the owners of real property have constructed works or improvements which might have been constructed by the municipality as local improvements, the council may, upon the petition of three-fourths of the owners of lands to be benefited by the acquisition of such works or improvements representing at least two-thirds in value thereof, acquire the same at a price to be fixed by agreement or by arbitration pursuant to this Act, and the purchase money therefor may be raised, assessed, and levied, as for local improvements, upon the real property benefited thereby, as above provided. 25 30 35

(a) The number of the owners petitioning for the said assessment, and the value of the real property which they represent, may be ascertained and finally determined in such manner and by such means as are provided by by-law in that behalf, subject to an appeal to the judge of the County Court as in the case of other special assessments for local improvements. 40

Power to acquire water rights.

**38.** In addition to the powers given by *The Municipal Water Works Act* and subject to all the provisions of the said Act, including those relating to the making of compensation and otherwise, every municipal corporation may acquire by purchase demise or gift the right or title to any stream, river, creek, waters water power, water course or lands situate, being or flowing in or through any such municipality, or within three miles thereof, and build, erect, make, preserve, improve, renew, widen or alter any dam or dams, water gates, waste gates, weirs or flumes upon, over or across any such stream, river, creek, waters, water course 45 50

or lands, and make, dig, widen, preserve, alter or improve any raceway or raceways leading to or from any such dam or dams, for the purpose of obtaining power to run or drive the necessary machinery for supplying electric light *within the*  
5 *municipality.*

39. When any township municipality is divided by Act of this Legislature for municipal purposes, all school sections which may, by such division, be situated partly in each of the newly formed municipalities, shall be deemed union sections  
10 until otherwise altered under the provisions of *The Public Schools Act.*

School sections in townships divided by special Act.

40. When any portion of a township municipality is annexed to a city or town by proclamation, the portion so annexed shall, for all school purposes, be deemed to be part of such city or  
15 town, subject to all existing liabilities and obligations that may have been incurred at the date of such proclamation; provided always that when the portion annexed does not include the whole of any contiguous school section, the respective municipalities shall appoint an arbitrator, who, with the  
20 senior county judge of the county, shall value and adjust, in an equitable manner, the rights and claims of all parties affected by such annexation, and who shall determine by what municipality or portion thereof the same shall be settled, and the award of said arbitrators shall be final and conclusive.

Provisions as to schools when territory added to a municipality.

41. The preceding two sections of Act shall apply to all townships divided by Act of this Legislature, and to all proclamations issued since the first day of January, 1887.  
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Application of Act.

No 171.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Municipal Act.

*(Reprinted as amended by Committee of  
the Whole House.)*

First Reading, 16th March, 1888.
Second " 19th " 1888.

Mr. HARDY.

TORONTO :

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## The Assessment Amendment Act, 1888.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as the Assessment Amendment Act, 1888.

2. Sub-section 10 of section 7 of *The Assessment Act*, is hereby amended, by inserting the following after the word "society," in the fourth line, "And all the lands and buildings of every company formed under the provisions of *The Act respecting Joint Stock Companies for the erection of Exhibition Buildings*, where the council of the corporation in which such lands and buildings are situated consents to such exemption."

Rev. Stat. c. 193, s. 7 (10), amended.

3. The said section 7 of *The Assessment Act* is hereby further amended by adding thereto the following as sub-section 14a:—

Sect. 7 of cap. 193, amended.

14a. All horses, cattle, sheep, and swine, which are owned and held by any owner, or tenant of any farm, and when such owner or tenant is carrying on the general business of farming or grazing.

Horses, cattle, sheep and swine exempt from taxation.

4. Sub-section 3 of section 14 of the said Act is hereby amended by the addition thereto of column thirty-four as follows:—

Rev. Stat. c. 193, s. 14 (3), amended.

Column 34—Each and every steam boiler in the municipality used for any purpose, with the name of owner and the purpose for which the same is used.

(2) The clerk of the municipality shall, on the first day of June in each year, return to the Provincial Secretary the number of such steam boilers as shewn by such roll.

Rev. Stat. c. 193, s. 53, amended.

5. Section 53 of the said Act is hereby amended by striking out all the words therein after the word "payable," in the tenth line thereof, and adding the following sub-section thereto.

Percentage in unpaid Taxes.

(2) The council may by by-law or by-laws impose an additional percentage charge not exceeding five per cent. on every tax or assessment, rent or rate, or instalment thereof, whether the same be payable in bulk or instalments, which shall not be paid on the day appointed for the payment thereof, and in towns, villages, or townships, where no day shall have been appointed for payment, the council may by by-law or by-laws impose such percentage on those which shall not have been

paid on or before the 14th day of December in each year, there having been fourteen days previous demand as hereinafter provided, and such additional percentage shall be added to such unpaid tax or assessment, rent or rate, or instalment thereof, and be collected by the collector or otherwise, as if the same had originally been imposed and formed part of such unpaid tax or assessment, rent or rate, or instalment thereof. 5

Statute labour  
in cities, etc.

6. Notwithstanding anything in sections 88, 89, 90, 91, 97 and 98 of *The Assessment Act*, or in this Act contained, the persons therein mentioned, or referred to, shall not be liable to the tax or taxes in such sections or any of them mentioned, or to perform the statute labour in any of such sections mentioned unless and until the Council of the Municipality shall by a by-law to be passed after this Act shall come into force, require the payment of such tax or the performance of such statute labour. 10 15

Rev. Stat. c.  
193, s. 94  
amended.

7. Section 94 of the said Act is hereby amended by adding after the word "labour" in the third line of the said section, the words "for the whole or any part of such township."

Rev. Stat. c.  
193, s. 111,  
amended.

8. Section 111 of the said Act is amended by adding thereto, the words "and shall take the declaration of office before a justice of the peace, similar to that of a councillor in a municipal corporation." 20

Rev. Stat. c.  
193, s. 114,  
amended.

9. Section 114 of the said Act is amended by adding thereto the words "and each householder may be required each year to perform one day's labour," and by adding thereto the following sub-section: 25

Liability of  
land owners to  
statute labour.

(2) Any land owner, owning less than 100 acres, may be required to perform statute labour as the commissioners may direct, but not exceeding the scale provided for in sub-section 1 of this section where the land is in part cleared, and not exceeding two days where no part of the land is cleared. 30

Rev. Stat. c.  
193, s. 115,  
amended.

10. Section 115 of the said Act is amended by adding thereto the following words "the commissioners shall have the same powers as municipalities have in reference to statute labour, to appoint overseers and require returns to be made to them of the labour performed in their districts respectively." 35

11. The said Act is amended by adding thereto the following section as section 118a: 40

Penalty for  
neglect to  
serve as  
commis-  
sioners.

118a. The commissioners, when duly elected, shall serve during the term they are elected for or forfeit the sum of \$5, which may be sued for, together with costs, in any court having jurisdiction, by any three electors making the complaint. 45

#### *Sales of Lands for Taxes.*

Rev. Stat. c.  
193, s. 121,  
repealed.

12. Section 121 of the said Act is hereby repealed and the following substituted therefor:

Clerk to make  
out rolls of  
lands of non-  
residents  
whose names  
not in assess-  
ment rolls, etc.

121. The clerk of every municipality shall also make out a roll in which he shall enter the lands of non-residents whose names have not been set down in the assessor's roll, together with the value of every lot, part of lot, or parcel, as ascertained 50

after the revision of the rolls; and he shall enter opposite to each lot or parcel all the rates or taxes with which the same is chargeable, in the same manner as is provided for the entry of rates and taxes upon the collector's roll, and shall transmit the roll so made out, certified under his hand, to the treasurer of the municipality on or before the 1st day of November.

**13.** Sections 138, 139 and 140 of the said Act are hereby repealed and the following substituted therefor:

Rev. Stat. c. 193, ss. 138, 139 and 140 repealed.

**138.** The Commissioner of Crown Lands shall, in the month of February in every year, transmit to the treasurer of every municipality a list of all the land within the municipality patented, located as free grants, sold or agreed to be sold by the Crown, or leased, or appointed to any person, or in respect of which a license of occupation issued during the preceding year.

Annual lists of lands granted, etc., to be furnished by Commissioner of Crown Lands.

**139.** The treasurer shall furnish to the clerk of the municipality a copy of the said lists, so far as regards lands in such municipality, and such clerk shall furnish the assessors respectively with a statement showing what lands in the said annual list are liable to assessment within such assessor's assessment district.

Treasurers to furnish copies of lists of municipalities.

**140.** The treasurer of every municipality shall furnish to the clerk of such municipality, a list of all the lands in his municipality in respect of which any taxes have been in arrear for the three years next preceding the 1st day of January in any year; and the said list shall be so furnished on or before the 1st day of February in every year, and shall be headed in the words following: "*List of lands liable to be sold for arrears of taxes in the year 18* "; and for the purposes of this Act, the taxes for the first year of the three which have expired under the provisions of this Act, on any land to be sold for taxes, shall be deemed to have been placed upon a collector's roll until some month in the year later than the month of January.

Treasurer to furnish clerk with list of lands three years in arrears for taxes.

**14.** Sub-section (2) of section 143, of the said Act, is hereby repealed and the following substituted therefor:

Rev. Stat. c. 193, s. 143 (2), repealed.

(2) Except in the cases provided for by sections 52 and 54, on or before the 1st day of July in the then current year, the treasurer shall return to the clerk of the municipality an account of all arrears of taxes due in respect of such occupied lands, including the per centage chargeable under section 157 of this Act.

Treasurer to certify taxes due.

**15.** Section 145 of the said Act, and the sub-sections thereof, are hereby repealed.

Rev. Stat. c. 193, s. 145, repealed.

**16.** Section 146 of the said Act is hereby repealed and the following substituted therefor:

Rev. Stat. c. 193, s. 146, repealed.

**146.** In case the arrears of taxes upon the occupied lands of non-residents, directed by section 143 of this Act to be placed on the collector's roll, or any part thereof, remain in arrear, such land shall be liable to be sold for such arrears, and shall be included in the next or ensuing list of lands to be sold by

Liability of lands to sale if arrears are not paid, and when.

the treasurer, under the provisions of section 160 of this Act, notwithstanding that the same may be occupied in the year when such sale takes place; and such arrears shall not again be placed upon the collector's roll for collection.

Rev. Stat. c. 193, s. 148, repealed. **17.** Section 148 of the said Act is hereby repealed. 5

Rev. Stat. c. 193, s. 152, repealed. **18.** Section 152 of the said Act is hereby repealed, and the following substituted therefor:

Lands on which taxes unpaid to be entered in certain books by treasurer. **152.** The treasurer of every municipality shall keep a book in which he shall enter all the lands in the municipality on which it appears from the returns made to him by the clerk, 10 and from the collector's roll returned to him, that there are any taxes unpaid, and the amounts so due; and he shall, on the 1st day of May in every year, complete and balance his books by entering against every parcel of land the arrears (if any) due at the last settlement, and the taxes of the preceding 15 year which remain unpaid, and he shall ascertain and enter therein the total amount of arrears (if any) chargeable upon the land at that date.

Rev. Stat. c. 193, ss. 155 and 156, repealed. **19.** Sections 155 and 156 of the said Act are hereby repealed and the following substituted therefor: 20

Treasurer to correct errors. **155.** The treasurer may correct any clerical error which he himself discovers, from time to time, or which may be certified to him by the clerk of the municipality.

As to pretended receipts, etc. **156.** If any person produces to the treasurer, as evidence of payment of any tax, any paper purporting to be a receipt of a 25 collector, school trustee, or other municipal officer, he shall not be bound to accept the same until he has received a report from the clerk of the municipality, certifying the correctness thereof, or until he is otherwise satisfied that such tax has 30 been paid.

Rev. Stat. c. 193, s. 158 repealed. **20.** Section 158 of the said Act is hereby repealed and the following substituted therefor:

When there is distress upon lands of non-residents, treasurer may authorize collector to levy. **158.** Where the treasurer is satisfied that there is distress upon any lands of non-residents in arrear for taxes in the municipality, he may issue a warrant under his hand and seal 35 to the collector of such municipality, who shall thereby be authorized to levy the amount due, upon any goods and chattels found upon the land, in the same manner, and subject to the same provisions, as are contained in sections 122 to 128 inclusive of this Act, with respect to distresses made by col- 40 lectors.

Rev. Stat. c. 193, s. 160, repealed. **21.** Section 160 of the said Act is hereby repealed, and the following substituted therefor:

When lands to be sold for taxes. **160.** Where a portion of the tax on any land has been due for and in the third year or for more than three years preced- 45 ing the current year, the treasurer of the municipality shall, unless otherwise directed by a by-law of the municipal council, submit to the mayor in case of cities and towns, and the reeve in the case of townships and villages, a list in duplicate of the lands liable under the provisions of this Act to be sold for 50 taxes, with the amount of arrears against each lot set opposite



to the same, and the mayor or reeve, as the case may be, shall authenticate each of such lists by affixing thereto the seal of the corporation and his signature, and one of such lists shall be deposited with the clerk of the municipality, and the other  
 5 shall be returned to the treasurer, with a warrant thereto annexed, under the hand of the mayor or reeve, as the case may be, and, the seal of the municipality, commanding him to levy upon the land for the arrears due thereon with his costs.

10 **22.** Section 161 of the said Act is hereby repealed, and the following substituted therefor: Rev. Stat. c. 193, s. 161 repealed.

161. The council of every municipality shall have power from time to time to extend beyond the term of three years, the time for the enforced collection by sale of non-resident taxes by by-law passed for that purpose. Council may extend time for payment.

15 **23.** Sections 163 and 164 of the said Act are hereby repealed and the following substituted therefor: Rev. Stat. c. 193, ss. 163 and 164, repealed.

163. The treasurer shall not sell any lands which have not been included in the lists furnished by him to the clerk of the municipality in the month of February preceding the sale, or  
 20 any of the lands which have been returned to him as being occupied under the provisions of section 143 of this Act, except the lands the arrears for which have been placed on the collection roll of the preceding year and again returned unpaid and still in arrear in consequence of insufficient distress  
 25 being found on the lands. What lands only the treasurer shall sell.

164. The treasurer shall prepare a copy of the list of lands to be sold, required by section 160 of this Act, and shall include therein, in a separate column, a statement of the proportion of costs chargeable on each lot for advertising, and for  
 30 the commissions authorized by this Act to be paid to him, distinguishing the lands as patented, unpatented, or under lease or license of occupation from the Crown, and shall cause such list to be published four weeks in the *Ontario Gazette*, and once a week, for thirteen weeks, in some newspaper published in the municipality, or if none be so published, in a  
 35 newspaper published in the county in which such municipality is situated, or if none be so published, in a newspaper published in some adjoining county. Treasurer to prepare list of lands to be sold and advertise in *Gazette*.

40 **24.** Section 167 of the said Act is hereby repealed, and the following substituted therefor: Rev. Stat. c. 193, s. 167, repealed.

167. The treasurer shall also post a notice similar to the said advertisement in his office and in at least four convenient and public place within the municipality at least three weeks before the time of sale. Notice to be posted up.

45 **25.** Sub-sections (2) and (3) of section 170 of the said Act are hereby repealed and the following substituted therefor:— Rev. Stat. 193, s. 170, (2, 3) repealed.

(2) If the treasurer fails at such sale to sell any land for the full amount of arrears of taxes due, he shall at such sale adjourn the same until a day then to be publicly named by him,  
 50 not earlier than one week, nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the newspaper, or in one of the papers in which the original sale was advertised, and by posting up When land does not sell for full amount of taxes.

notices as provided in the next preceding section, and on such day he shall sell such lands unless otherwise directed by the municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; but the owner of any land so sold shall not be at liberty to redeem the same, except upon payment to the treasurer of the full amount of taxes due, together with the expenses of sale; and the treasurer shall account to the municipality for the full amount of taxes paid. 5

Purchase by municipalities of land so d for taxes.

(3) If the council of the municipality in which the same shall be situate desire to become the purchasers of any lot to which sub-section 2 refers for the amount of the arrears of taxes thereon, it shall be lawful for such municipality to purchase the same if the price offered at such adjourned sale shall be less than the amount of such arrears, and if the council of the municipality shall before the day of such adjourned sale have given notice in writing of the intention so to do, and it shall be the duty of the council of such municipality to sell any lands which shall be so acquired within three years from the time when they shall be acquired. 10 15 20

(4) Any lands acquired by a municipality, under authority of the last preceding sub-section, shall within three years at furthest, be offered for sale by public auction, after notice of such sale with a description thereof has been inserted for at least four successive weeks in a newspaper published within the municipality, but in case no newspaper be published in the municipality, then in such other paper published in the county as the council may direct, stating the time and place where such sale will take place. 25

(5) In case any lands cannot be sold for a sum sufficient to pay the arrears of taxes and costs of sale by auction, the council may by by-law authorize the sale thereof by private contract or tender, at such price as they may deem reasonable. 30

Execution of deeds.

(6) The mayor or reeve for the time being shall be competent to execute a deed to the purchaser of lands sold under the last two preceding sub-sections, and such deed shall be countersigned by the treasurer of the municipality, and attested by affixing the corporate seal thereto, and shall be registered in the same manner as other deeds of land sold for taxes. 35

**26.** Section 173 of the said Act is hereby repealed, and the following substituted therefor:— 40

Rev. Stat. c. 193, s. 173, repealed.

Treasurer selling to give purchaser a certificate of land sold.

173. The treasurer, after selling any land for taxes, shall give a certificate under his hand to the purchaser, stating distinctly what part of the land, and what interest therein, have been so sold, or stating that the whole lot or estate has been so sold, and describing the same, and also stating the quantity of land, the sum for which it has been sold, and the expenses of sale, and further stating that a deed conveying the same to the purchaser or his assigns, according to the nature of the estate or interest sold, with reference to sections 170 and 171 of this Act, will be executed by the treasurer and mayor or reeve, as the case may be, on his or their demand, at any time after the expiration of one year from the date of the certificate, if the land is not previously redeemed. 45 50

**27.** Sections 181 and 182 of the said Act are hereby repealed, and the following substituted therefor :—

Rev. Stat. c. 193, ss. 181 and 182, repealed.

**181.** If the land is not redeemed within the period so allowed for its redemption, being one year exclusive of the day of sale as aforesaid, then, on the demand of the purchaser, or his assigns, or other legal representative, at any time afterwards, and on payment of \$1, the treasurer shall prepare and execute with the mayor in the case of cities and towns, and with the reeve in the case of townships and villages, and deliver to him or them a deed in duplicate of the land sold, in which deed any number of lots may be included at the request of the purchaser or any assignee of the purchaser.

Deed of sale, if not redeemed.

**182.** The words "treasurer" and "mayor" and "reeve" in the preceding section shall include the persons who at the time of the execution of the deed in such section mentioned hold the said offices.

Meaning of words treasurer, mayor and reeve.

**28.** Sub-section (1) of section 184 of the said Act is hereby repealed, and the following substituted therefor :—

Rev. Stat. c. 193, s. 184, (1), repealed.

**184.—(1)** The deed shall be registered in the registry office of the registry division in which the lands are situate, within eighteen months after the sale, otherwise the parties claiming under such sale shall not be deemed to have preserved their priority as against a purchaser in good faith who has registered his deed prior to the registration of the deed mentioned in section 181 of this Act.

Deed to be registered within eighteen months to obtain priority.

**29.** Section 187 of the said Act is hereby repealed, and the following substituted therefor :—

Rev. Stat. c. 193, s. 187, repealed.

**187.** The treasurer shall enter in a book, which the council shall furnish, a full description of every parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto, and such book, after such entries have been made therein, shall, together with all copies of collectors' rolls and other documents relating to non-resident lands, be by him kept among the records of the municipality.

Treasurer to enter in a book descriptions of lands conveyed to purchaser by him.

**30.** Section 204 of the said Act is hereby repealed.

Rev. Stat. c. 193, s. 204, repealed.

**31.** Sections 205, 206, 207, 208 and 209 of the said Act are hereby repealed, and the following substituted therefor :—

Rev. Stat. c. 193, ss. 205-209, repealed.

**205.** The treasurer of every municipality shall keep a triplicate blank receipt book, and on receipt of any sum of money for taxes on land, shall deliver to the party making payment one of such receipts, and shall deliver to the clerk of the municipality the second of the set, with the corresponding number, retaining the third of the set in the book, the delivery of such receipts to be made to the clerk at least every three months; and the clerk of the municipality shall file such receipts, and, in a book to be kept for that purpose, shall enter the name of the party making payment; the lot on which payment is made; the amount paid; the date of payment, and the number of the receipt; and the auditors shall examine and audit such books and accounts at least once in every twelve months.

Treasurers, etc., to keep triplicate blank receipt books.

Audit of books, etc.

On incorporation of a town or village treasurer of municipality out of which town or village formed to transmit list of arrears to treasurer of town or village.

206. Upon the incorporation of any new town or village in any municipality, the treasurer of such last mentioned municipality shall make out a list of all arrears of taxes then due and unpaid in his books upon lands situated in the newly incorporated town or village and transmit the same to the treasurer of the town or village, who, after the receipt of the said list, shall have, with the mayor, in the case of towns, and with the reeve, in the case of villages, all the powers possessed by the treasurer and reeve of the municipality out of which said town or village has been formed, for the collection of such taxes and the enforcement of the same by sale, but in such list the treasurer of the municipality out of which said town or village has been formed, shall not include any lot then advertised for sale for taxes.

How arrears collected when new municipality formed.

207. In cases where a new municipality is formed partly from two or more municipalities, the collection of arrears of taxes due at the time of formation shall be made by the treasurer of the newly formed municipality, and for the purpose of enabling him to make the collection, the treasurers of the other municipalities, from which any portion of the new municipality is detached, shall immediately upon the formation thereof make out lists of the arrears of taxes then due in their respective portions, and transmit the same to the treasurer of the new municipality.

Who may take proceedings to enforce collection.

208. The treasurer and mayor of the new municipality, if it be a town, and the treasurer and reeve, if it be a village, shall have power respectively to take for the collection of such arrears of taxes all the proceedings which treasurers and mayors or treasurers and reeves can take for the sale and conveyance of land in arrear for taxes, and in case the lands in the new municipalities have been advertised by the treasurers of the municipalities of which the new municipality formed part before its formation, the sale of such lands shall be completed in the same manner as if such new municipality had not been formed.

Proceedings where return made to treasurer before collection.

209. Where any municipality or part of a municipality has been or may be hereafter separated from one municipality and included in another after a return has been made to the treasurer of the municipality to which it formerly belonged of lands in arrear for taxes, but such lands have not been advertised for sale by the treasurer of such former municipality, such treasurer shall return to the treasurer of the municipality to which such territory belongs a list of all the lands within such territory returned as in arrear for taxes and not advertised; and the treasurer and mayor, in the case of cities and towns, and the treasurer and reeve, in the case of townships and villages, of the municipality to which the territory belongs shall have power respectively to take all the proceedings which treasurers and mayors or reeves under this Act can take for the sale and conveyance of lands in arrear for taxes; but in case the lands in such territory have been advertised before the separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place, and conveyance of lands previously sold shall be made in like manner.

25, s. 9.

Rev. Stat. c. 193, ss. 210-222 repealed.

32. Sections 210 to 222, both inclusive of the said Act, are hereby repealed.

**33.** Sections 246, 247, 248, 249, and 250 of the said Act are hereby repealed, and the following substituted therefor:— Rev. Stat. c. 193, ss. 246-250-repealed.

246. The treasurer of every municipality shall be accountable and responsible to the Crown for all moneys collected for any of the purposes mentioned in section 240 of this Act, and shall pay over such moneys to the Treasurer of the Province. Treasurer, etc., to account for and pay over Crown moneys.

247. Every municipality shall be responsible to Her Majesty, and to all other parties interested, that all moneys coming into the hands of the treasurer of the municipality, in virtue of his office, shall be by him duly paid over and accounted for according to law. Municipality responsible for such moneys.

248. The treasurer and his sureties, shall be responsible and accountable for such moneys in like manner to the municipality, and any bond or security given by them for the duly accounting for and paying over moneys coming into his hands belonging to the municipality, shall be taken to apply to all such moneys as are mentioned in section 240, and may be enforced against the treasurer or his sureties, in case of default on his part. Treasurer, etc., responsible to municipality, etc. Bonds to apply.

249. The bond of the treasurer and his sureties shall apply to school moneys, and all public moneys of the Province; and, in case of any default, Her Majesty may enforce the responsibility of the municipality by stopping a like amount out of any public money which would otherwise be payable to the municipality or to the treasurer thereof, or by action against the corporation. Bonds to apply to school moneys, etc.

250. Any person aggrieved by the default of the treasurer, may recover from the corporation of the municipality the amount due or payable to such person as money had and received to his use. Municipality responsible for default of treasurer, etc.

**34.** The treasurer of every minor municipality shall annually, on or before the first day of February, make a return to the treasurer of the county in which the municipality is situated, shewing what lands, during the preceding year, have been sold or purchased by the municipality, under the powers by this Act conferred. Returns to county treasurer.

**35.** Nothing contained in sections 11 to 34 of this Act shall affect any action, suit or other legal proceedings now pending, but the same may proceed as though this Act had not been passed, and the said sections shall not come into force until the 1st day of April, 1889.

**36.** Save as is provided by the last preceding section of this Act this Act shall come into force on the first day of August, 1888, and shall be read with and as part of the Assessment Act. Commencement of Act.

**37.** Schedule K of the said Act is hereby repealed and the following substituted therefor:— Rev. Stat. c. 193, Sched. K, repealed.

SCHEDULE K.

(Section 183.)

FORM OF TAX DEED.

To all to whom these presents shall come :

We, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, esquire, mayor (or reeve), and \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, esquire, treasurer, of the city (or town, or township, or village) of \_\_\_\_\_, send greeting :

Whereas, by virtue of a warrant, under the hand of the mayor (or reeve) and seal of the said city (or town, or township, or village) bearing date the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_, commanding the treasurer of the said city (or town, or township, or village) to levy upon the land hereinafter mentioned, for the arrears of taxes due thereon, with his costs, the treasurer of the said city (or town, or township, or village) did on the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_, sell by public auction to \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the county of \_\_\_\_\_ that certain parcel or tract of land and premises hereinafter mentioned, at and for the price or sum of \_\_\_\_\_ of lawful money of Canada on account of the arrears of taxes alleged to be due thereon up to the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_ together with costs.

Now, know ye, that we, the said \_\_\_\_\_ and \_\_\_\_\_ as mayor (or reeve) and treasurer of the said city (or town, or township, or village) in pursuance of such sale and of *The Assessment Act*, and for the consideration aforesaid, do hereby grant, bargain and sell unto the said \_\_\_\_\_ his heirs and assigns all that certain parcel or tract of land and premises containing \_\_\_\_\_ being composed of (*describe the land so that the same may be readily identified.*)

In witness whereof we, the said mayor (or reeve) and treasurer of the said city (or town, or township, or village), have hereunto set our hands and affixed the seal of the said city (or town, or township, or village), this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_ and the clerk of the city (or town, or township, or village) has countersigned.

Countersigned,  
E. F.  
Clerk.

[Corporate Seal.]  
A. B.  
Mayor,  
C. D.  
Treasurer.

NOTICE OF SALE OF LANDS IN ARREAR FOR TAXES.

City (or Town, or Township, }  
or Village) of }  
TO WIT:

By virtue of a warrant, as subjoined, issued by the mayor (or reeve as the case may be) of \_\_\_\_\_ and bearing date the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_, for the collection of arrears of assessments due upon the under-mentioned lands in the said \_\_\_\_\_ (all such lands being patented lands, if none of such lands unpatented) I shall on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 18 \_\_\_\_\_, at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, at the \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ proceed to sell the said

lands by public auction, or such portions thereof as shall be necessary to pay such arrears, together with all charges thereon, unless the same be sooner paid.

(Signed) A. B.,

City (Town, Village, or Township) Treasurer.

City (Town, Village, or  
Township) Treasurer's Office.

(Address) 18 .

No. of Registry in Treasurer's Books.	Description of property to be sold for Arrears of Taxes.	Names of persons assessed as owners or otherwise.	Years for which Taxes in Arrear.	Amount of Taxes in Arrear.	Charges for Commission.	Charges for Advertising.	Total.	REMARKS.

(Here subjoin warrant.)

No. 172.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Assessment Act.

First Reading,                      , 1888.

Mr. O'CONNOR.

TORONTO.

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## The Assessment Amendment Act, 1888.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) This Act may be cited as *The Assessment Amendment Act, 1888*. Short title.

(2) All the provisions of this Act except those contained in section 11 thereof, shall come into force and have effect on, from and after the first day of August next after the passing of this Act; and section 11 of this Act shall come into force and effect as in said section specially provided. Commencement of Act.

2. Sub-section 10 of section 7 of *The Assessment Act*, is hereby amended, by inserting the following after the word "society," in the fourth line, "And all the lands and buildings of every company formed under the provisions of *The Act respecting Joint Stock Companies for the erection of Exhibition Buildings*, where the council of the corporation in which such lands and buildings are situated consents to such exemption." Rev. Stat. c. 193, s. 7 (10), amended.

3. The said section 7 of *The Assessment Act* is hereby further amended by adding thereto the following as sub-section 14a:— Sect. 7 of cap. 193, amended

14a. All horses, cattle, sheep, and swine, which are owned and held by any owner, or tenant of any farm, and when such owner or tenant is carrying on the general business of farming or grazing. Horses, cattle, sheep and swine exempt from taxation.

4. Sub-section 3 of section 14 of the said Act is hereby amended by the addition thereto of column thirty-four as follows:— Rev. Stat. c. 193, s. 14 (3), amended.

Column 34—Each and every steam boiler in the municipality used for *driving machinery or for any manufacturing purpose*, with the name of owner and the purpose for which the same is used.

(2) The clerk of the municipality shall, on the first day of June in each year, return to the Provincial Secretary the number of such steam boilers as shewn by such roll. Rev. Stat. c. 193, s. 53, amended.

5. Section 53 of the said Act is hereby amended by striking out all the words therein after the word "payable," in the tenth line thereof, and adding the following sub-section thereto. Percentage in unpaid Taxes.

(2) The council may by by-law or by-laws impose an additional percentage charge not exceeding five per cent. on every tax or assessment, rent or rate, or instalment thereof, whether the same be payable in bulk or instalments, which shall not be paid on the day appointed for the payment thereof, and in towns, villages, or townships, where no day shall have been appointed for payment, the council may by by-law or by-laws impose such percentage on those which shall not have been paid on or before the 14th day of December in each year, there having been fourteen days previous demand as hereinafter provided, and such additional percentage shall be added to such unpaid tax or assessment, rent or rate, or instalment thereof, and be collected by the collector or otherwise, as if the same had originally been imposed and formed part of such unpaid tax or assessment, rent or rate, or instalment thereof.

Rev. Stat. c.  
193, s. 94  
amended.

6. Section 94 of the said Act is hereby amended by adding after the word "labour" in the third line of the said section, the words "for the whole or any part of such township."

Rev. Stat. c.  
193, s. 111,  
amended.

7. Section 111 of the said Act is amended by adding thereto, the words "and shall take the declaration of office before a justice of the peace, similar to that of a councillor in a municipal corporation."

Rev. Stat. c.  
193, s. 114,  
amended.

8. Section 114 of the said Act is amended by adding thereto the words "and each householder may be required each year to perform one day's labour," and by adding thereto the following sub-section:

Liability of  
and owners to  
statute labour.

(2) Any land owner, owning less than 100 acres, may be required to perform statute labour as the commissioners may direct, but not exceeding the scale provided for in sub-section 1 of this section where the land is in part cleared, and not exceeding two days where no part of the land is cleared.

Rev. Stat. c.  
193, s. 115,  
amended.

9. Section 115 of the said Act is amended by adding thereto the following words "the commissioners shall have the same powers as municipalities have in reference to statute labour, to appoint overseers and require returns to be made to them of the labour performed in their districts respectively."

10. The said Act is amended by adding thereto the following section as section 118a:

Penalty for  
neglect to  
serve as  
commis-  
sioners.

118a. The commissioners, when duly elected, shall serve during the term they are elected for or forfeit the sum of \$5, which may be sued for, together with costs, in any court having jurisdiction, by any three electors making the complaint.

Entry of  
voters on  
assessment  
roll.

11.—(1) Every assessor shall, in conformity and compliance with the provisions in that behalf of *The Manhood Suffrage Act*, enter on his roll every person entitled to be entered on under the said Act.

Certain  
sections of Rev.  
Stat., c. 193,  
repealed.

(2) Sub-sections 11, 12, 13, 14 and 15 of section 2 of *The Assessment Act*, sub-section 2 of section 20 of the said Act, sections 22, 23, and 48 of the said Act, sub-sections 2, 3, 4 and 5 of section 42 of the said Act, so much of sub-section 1 of said section 42 as relates to any wage-earner, and sub-section 2 of section 47 of the said Act are hereby repealed.

☞ (3) Section 14 of the said Act is hereby amended by omitting therefrom that part thereof commencing with the words "column 4," and ending with the words "the letters L. and F. S." and inserting instead thereof the words following:—☞

Rev. Stat. c.  
193, s. 14,  
amended.

5 ☞ Column 4—Statement whether the party is a freeholder or tenant by inserting opposite the name of the party the letter "F." or "T." as the case may be; and where the party is entitled to be entered on the roll as qualified to vote under *The Manhood Suffrage Act*, there shall also be inserted opposite his name in said column the letters "M. F." and where the party is within the meaning of *The Municipal Act*, a "farmer's son," there shall also be similarly inserted the letters "F. S."☞

15 ☞ (4) Section 46 of the said Act is here by amended by omitting therefrom the words "either as a landholder's son or as a wage-earner," and inserting instead thereof the words "as a farmer's son within the meaning of *The Municipal Act*."☞

Rev. Stat., c.  
193, s. 46,  
amended.

☞ (5) Section 49 of the said Act is hereby amended by substituting for the form of certificate set forth in said section the form following, namely:—☞

Rev. Stat. c.  
193, s. 49,  
amended.

☞ "I do hereby certify that I have set down in the above assessment roll all the real property liable to taxation situate in the municipality (or ward) of (as the case may be) and the true actual value thereof in each case, according to the best of my information and judgment; and also that the said assessment roll contains a true statement of the aggregate amount of the personal property or of the taxable income, of every party named on the said roll; and that I have estimated and set down the same according to the best of my information and belief; and I further certify, that I have entered thereon the names of all the resident householders, tenants and freeholders, and of all other persons who have required their names to be entered thereon, with the true amount of property occupied or owned, or of income received by each, and that I have not entered the names of any persons whom I do not truly believe to be a householder, tenant, or freeholder, or the *bona fide* occupier or owner of the property, or in receipt of the income set down opposite his name, for his own use and benefit; and I further certify that according to the best of my knowledge and belief, I have entered thereon the name of every person entitled to be so entered either under *The Assessment Act*, or *The Manhood Suffrage Act*, or of any Act amending either of the said Acts, and that I have not intentionally omitted from said roll the name of any person whom I knew, or had good reason to believe, was or is entitled to be entered thereon under any or either of the said Acts; and I further certify that the date of delivery or transmitting the notice required by section 47 of *The Assessment Act* is in every case truly and correctly stated in the said roll; and I further certify and swear (or affirm), (as the case may be), that I have not entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote; and that the amount for which each such person is assessed upon the said roll truly and correctly appears in the said notice delivered or transmitted to him as aforesaid."☞

20 ☞ (6) This section shall come into force and effect on the first day of January next after the passing of this Act, in every municipality in which by law the date for the return of his roll by the assessor is not later than the thirtieth day of April; and in all other municipalities on the first day of July, 1889.☞

Commence-  
ment of  
Section.

No. 172.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Assessment Act.

*(Reprinted as again amended by Committee  
of Whole House.)*

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First Reading, 16th March, 1888.  
Second " 19th " 1888.

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MR. O'CONNOR.

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TORONTO.

PRINTED BY WARWICK & SONS, 24 AND 28 FRONT ST. W.

No. 173.]

BILL.

[1888.

An Act respecting Mortgages or Sales of Chattels in  
Nipissing.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

- 5 1. Section 23 of *The Act respecting Mortgages and sales of* Rev. Stat. c.  
*Personal Property*, being chapter 125 of the Revised Statutes of 125, s. 23,  
Ontario, 1887, is hereby amended by striking out the words amended.  
“the clerk of the County Court of the county of Renfrew,” in  
the fourth line thereof, and substituting therefor the words  
10 “the Clerk of the third Division Court for the Temporary  
Judicial District of Nipissing.” The said section is further  
amended by striking out the word “twenty” in the sixth line of  
said section and substituting the word “ten” therefor.

No. 173.

2nd Session, 6th Legislature, 51 Vic, 1888

BILL.

An Act respecting Mortgages or sales of  
Chattels in Nipissing.

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First Reading, 19th March, 1888.

Second " 19th " 1888.

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The ATTORNEY-GENERAL.

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TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

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No. 174.]

**BILL.**

[1888.

An Act to amend the Industrial Schools Act.

**H**ER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Sub-section 3 of section 25 of *The Industrial Schools Act*, Rev. Stat.  
5 is hereby amended by striking out the figures "1.50" in the <sup>c. 234, s. 25 (3),</sup>  
fourth line, and inserting in lieu thereof the figures "2.00." <sub>amended.</sub>

No. 174.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act to amend the Industrial Schools  
Act.

First Reading,	19th March, 1888.
Second " "	19th " 1888.

Mr. ROSS,  
(*Middlesex.*)

TORONTO:

PRINTED BY WARWICK & SONS, 36 AND 38 FRONT ST. W.



An Act incorporating the Port Arthur Water, Light and Power Company.

**W**HEREAS James King, Thomas Marks, Daniel Francis Preamble.  
Burk, James Conmee, M.P.P., George B. Smith, M.P.P.,  
Oliver Donais, Michael Dwyer, and James R. Roaf have by  
their petition, prayed for an Act to incorporate them and  
others under the style of "The Port Arthur Water, Light and  
Power Company," for the purpose of supplying the town of  
Port Arthur and the municipality of Shuniah, with  
water, light, and power; and whereas it is expedient to grant  
the prayer of the said petition;

Therefore Her Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of Ontario  
enacts as follows:—

1. The said persons in the preamble mentioned, and such Petitioners in-  
other persons as shall hereafter become stockholders of the corporated as  
said company, shall be and are constituted a body corporate a company.  
and politic, by the name of "The Port Arthur Water, Light  
and Power Company," and by that name shall have perpetual  
succession with all other powers consistent with and necessary  
for the purposes hereinafter declared.

2. The said James King, James Conmee, M.P.P., Thomas First  
Marks, Daniel Francis Burk, and Michael Dwyer shall be the directors.  
first directors of the said company and three of the directors  
shall constitute a quorum.

3. Subject to sections 6, 7 and 8 of this Act, the said com- Powers of  
pany hereby incorporated shall have all the powers under company.  
this Act which are held and enjoyed by companies incor-  
porated under *The Act respecting Joint Stock Companies* Rev. Stat.  
*for supplying Cities, Towns, and Villages with Gas and* c. 164.  
*Water*, and under *The Act respecting companies for Steam and* Rev. Stat.  
*Heating, or for supplying Electricity for Light, Heat, or Power,* c. 165.  
being chapter 165 of the Revised Statutes of Ontario, 1887.

4.—(1) In case a by-law authorizing the same is sanctioned Power to  
by a vote of not less than two-thirds of the shareholders then borrow.  
present in person, or by proxy, at a general meeting held for  
consideration of the by-law, the directors may, from time to  
time, borrow money upon the credit of the company, and issue  
bonds, debentures, and other securities of the company, and  
may sell the said bonds, debentures, and other securities at  
such prices as may be deemed expedient, or be necessary, but  
no such debenture shall be for a less sum than \$100.

(2) The directors may under a like sanction from time to time hypothecate, mortgage, or pledge the real or personal property of the company, to secure any sum or sums borrowed for the purposes thereof, provided that the said issue of bonds, debentures, or mortgages shall not exceed the sum of \$250,000 at any one time.

Councils empowered to contract with company for water supply, and to specially assess property therefor.

5.—(1) The municipal councils of the corporations of the town of Port Arthur, and the municipality of Shuniah are hereby empowered upon the petition of the freeholders resident in any ward, or section of a ward, or in any street, square, alley, or lane, or part of a street, square, alley, or lane representing in value one half of the assessed property therein, to enter into contracts, for any term not exceeding thirty years, with the said company for the supplying of water to such ward or section of a ward, or to such street, square, alley or lane, or part of a street, square, alley or lane, and may also pass by-laws for raising such sums as may be necessary for renting, or erecting and renting hydrants to be used for the protection of such property and whatever may be thereon from fire, and for supplying of water for the use of the owners and their tenants for such other purposes as may be desired or agreed upon, by means of a special rate on the said real property according to the assessed value thereof, and may pay over to such company the moneys so collected or any portion thereof.

Exemption from special assessment.

(2) If only a section of a ward or only part of a street, square, alley or lane, is to be included in the assessment, the council may exclude from the assessment, property, the owners whereof object to being assessed, if such property is situated at a greater distance from the hydrant nearest thereto than is the property of every person signing the petition, and the council considers it unfair that such property should be assessed.

Allowance for use of hydrants by corporations.

(3) If hydrants erected under this section are used for the general purposes of the municipality, the corporation shall contribute for such use a fair amount out of the general funds in relief of the said special rate, or make some other equitable allowance to the persons liable to such rates in lieu of such contribution.

Contracts for electric light.

(4) The municipal councils of the corporations of the town of Port Arthur and the municipality of Shuniah are hereby empowered to enter into contracts for any term not exceeding thirty years with the said company for lighting by electricity within the said municipalities, or either of them as the said councils or either of them may by by-law provide.

Assent of municipalities required.

6. The said company shall not be entitled to exercise the powers conferred by sections 3 and 5 of this Act, so far as the same relate to the construction of water works or lighting, until it has obtained the consent of the municipal corporation of the said town of Port Arthur or other municipality within which the powers hereby given are to be exercised by such company; such consent to be by by-law and to be on such terms and conditions as the by-law may prescribe.

7. Notwithstanding anything in this Act contained all rights, powers and privileges which the municipal corporations herein named now have and enjoy, under the Acts mentioned in section 3 of this Act, are by this Act preserved as against the company by this Act incorporated, and this Act shall not abridge the existing corporate powers and privileges of the said municipal corporations respecting incorporated companies.

8. The powers by this Act conferred shall not extend to or be exercised in the municipality of Neebing.

Rights of  
municipalities  
preserved.

Act not to  
confer power  
in respect of  
Neebing.

No. 175.

2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act incorporating the Port Arthur  
Water, Light and Power Company.

First Reading,	23rd	March,	1888.
Second	"	23rd	"
Third	"	23rd	"
			1888.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 56 AND 28 FRONT ST. W.

## An Act respecting Friendly Societies.

*Note by Inspector of Insurance.*—Frequent representations have lately been made to the Government that legislation is necessary for the regulation of Friendly Societies in respect of their contracts of Life and Casualty Insurance. At the request of the Honourable the Attorney-General, and after several consultations with him, I have prepared the following Bill. This measure has not yet received the consideration of the Government ; so that at present, I alone am responsible for the provisions in the text, as well as for the opinions expressed in the notes.

Numerous precedents for legislation on the subject of Friendly Societies are to be found in the Imperial Statutes at large, from Sir George Rose's Act of 1793 to the Consolidated Act of 1875, and thence to the latest amendment of the Consolidated Act in 1887. In Australia, important enactments have been passed, modelled, however, too closely upon the Imperial Act of 1875, and repeating many of its defects. The legislatures throughout the United States have latterly been much occupied with Friendly Society insurance, and some have found it necessary to enact measures of great stringency.

Our Provincial law of Friendly Societies commenced with the Act 13-14 Vic. c. 32.—passed by the old Parliament of Canada. This measure was recast by the Ontario Statute of 1870-1, which as R. S. O. 1877 c. 167, amended by the Statutes of 1878 and 1884, forms the present law of the Province. (*R. S. O. 1887 c. 172.*)

Of the Statutes below cited. "Imp. Act" means the Imperial Friendly Societies Act (consolidated), 1875, 38-9 Vic. c. 60 ; "Ont. Ins. Act," means chapter 167 of the Revised Statutes of Ontario, 1887 ; "Dom. Act" means Chapter 124 of The Revised Statutes of Canada, 1886 ; a statute cited simply by regnal year and chapter means a statute of Ontario.

The Bill now submitted is designed to be complementary to the Act for the Consolidation of the Insurance Law passed last Session : and the two measures, taken in conjunction, are designed to cover the whole ground of contracts of insurance, indemnity, and kindred contracts, in their relation to state supervision ; so that every association hereafter undertaking or soliciting business in the nature of insurance, would have to qualify either as a licensed Insurance Company or as a registered Friendly Society.

Unlike the Imperial Friendly Societies Act, 1875, this Bill throughout distinguishes matters of charity or private benevolence from matters of positive contract ; and carefully leaving matters of charity and benevolence to private discretion, restricts the public general law of Government supervision to matters of legal and contractual obligation.

The present measure proceeds on the principle of the *minimum* of State interference in matters of private contract.

It proposes that every Friendly Society constituted lawfully, and for lawful objects, be admitted to initial registry on *prima facie* evidence of lawful constitution and objects ; and such registry is from year to year to be renewed on the society's filing annually a statement in prescribed form, together with the audited balance-sheet of the year. These documents are to be published as a Government return, for the information of the assured and of the public ; but the Government is not in any sense to warrant the soundness of the financial theory on which the Society is founded, nor the soundness of the Society's financial condition. Facilities are, by the Bill, afforded to the members of any society to determine for themselves the question of financial basis and condition, and to their judgment these questions are left. The Government is to interpose only at the point when the transactions of the Society are shown to be fraudulent or illegal ; when, in short, the Society has contravened, not only the Friendly Societies' Act, but the general policy of the law.

It has very recently been decided (*Re O'Heron*, 11 P. R. 422), that the *Act to secure to Wives and Children the Benefit of Life Insurance* does not protect benefits in Friendly Societies. Even had it been decided otherwise, the advantage would have proved barren in the absence of auxiliary legislation such as is here recommended. This Wives' and Children's Act is by clause 27, of the present Bill made to protect benefits in Friendly Societies, and such machinery is elsewhere added as will, I trust, afford effectual relief.

Then, in order to assist the industrial classes in distinguishing *bona fide* societies from those that are dubious, if not fraudulent, it is proposed annually to publish,—as already intimated,—sworn statements of the various Friendly Societies as to their contracts with members, and the state of the contract fund.—such detailed information in short as has been long required of Life and Fire Insurance Companies, and as has been found very serviceable in *closing* as well as disclosing fraudulent concerns. The industrial classes, above all others, require help in distinguishing a Friendly Society that pays its claims, from the specious institution that is only luring the poor into deeper distress.

In some Friendly Societies the form of contract is clear and explicit. But, in others, the contract is framed with studied obscurity, and is so clouded with stipulations and with reference to by-laws,—future as well as present,—that no one, layman or lawyer, can say what are the rights of the beneficiary ; or, if he has any rights, how he is to enforce them. It is plain that this state of affairs should be remedied. Such, a dozen years ago, were the policies of certain Fire Insurance Companies ; but the wrongdoing became flagrant ; the Government intervened ; and the Legislature enacted the Statutory Conditions. The salutary effect of that measure is everywhere recognized. Foreign legislatures have taken the enactment as a precedent, and have substantially adopted some of the conditions themselves making them the terms of all fire policies, (*cf. N. Y. Laws, 1886, chap. 488, and Insurance Laws of other American States, passim.*) No respectable company in Canada has been in the slightest degree injured

by the Ontario statute ; but it is certain that companies trading on the mere ambiguity of their contracts speedily vanished.

And now there is an urgent necessity for the reform of Friendly Societies' contracts. Here the question concerns special trust-funds—trust-funds that beyond all others need and deserve the vigilance of the State ; *for they contain the savings and investments of the poor*. Often, it is only by the most painful thrift and self-denial that the industrial classes keep their policies alive : the whole community is deeply concerned in requiring of the contracting corporation the most scrupulous fulfilment of its bargain. If the poor are cheated of their portion, the whole community is wronged ; for, on the community, in the final result, falls the burden of the distressed poor. In the provisions below, without unduly interfering with freedom of contract, I have endeavored to place the beneficiary, first, in a position to ascertain his rights under the contract, and then in a position to enforce them. No legitimate society will object because its contract is made intelligible ; no honest society can object because its contract is made enforceable.

The Bill is now offered for discussion ; suggestions will be cordially received.

J. HOWARD HUNTER.

#### INTERPRETATION.

1. In this Act, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them :—

(1) "Attorney-General" and "Treasurer" mean respectively the Attorney-General and the Treasurer of the Province. "Attorney General."  
"Treasurer."

(2) "Registrar" means the Registrar of Friendly Societies for the Province. "Registrar."

(3) "Society," or "Friendly Society," means and includes any society, association, or fraternity, benevolent, mutual, provident, industrial, or co-operative, or the like, which, not being within the intent of the Ontario Insurance Act, 1887, undertakes or effects for valuable consideration, or agrees, or offers so to undertake, or effect, with any person in the Province, any contract in the nature or partaking of Life, Accident, Casualty, Disability, Sickness, or Mortuary Insurance or Benefits ; and any setting up of a sign or inscription containing the name of the Society, or any distribution or publication of any proposal, circular, card, advertisement, printed form or like document in the name of the Society, or any written or oral solicitation in the Society's behalf, shall be deemed, "offering to undertake contracts" within the intent of this Act: Provided that where a Society is not organized exclusively for purposes of such contracts, then "Society" means only that branch thereof which has such contracts in charge ; and for purposes of such contracts there shall be kept distinct and separate funds, books, accounts, and vouchers. (cf. *Ont. Ins. Act. s. 2 (4) (5)*; *N. Y. Laws 1883, chap. 175, as amended by chap. 285 of the Laws of 1887.*) "Society" or "Friendly Society."

*Note by the Inspector.*—Fraternal societies and secret orders are of necessity brought within the scope of the Act, equally with all other associations undertaking insurance, because, were it not so, any association might readily evade the law by organizing itself as a fraternal society or secret order. But the Bill nowhere looks in upon the secret work, or interferes with the charitable gifts of any society or order. Where, besides its charitable work, a Friendly Society enters upon mercantile contracts, and undertakes the great responsibility of insuring men's lives, not only the assured but the public are interested, and are entitled to information. To accurate information the assured have in such societies a peculiar right. In ordinary life or accident insurance the policy is drawn for an absolute sum which becomes payable on the occurrence of the event insured against; but in Friendly Society insurance the "certificate," or other instrument of contract usually promises the assured only a contingent sum; only gives the beneficiary a right to rank for his claim *pro rata* with other simultaneously accruing claims on the then balance of a particular fund, or on the net proceeds of a particular assessment. If there are funds enough to discharge all the claims attaching to that month or quarter, the beneficiary is entitled to claim the full insurance money stated in the certificate. But if there are not funds enough, then the utmost that the beneficiary can demand under the usual contract is merely such a dividend as the then fund will permit; and the payment of such dividend operates as a discharge in full to the Society, so that the beneficiary is not entitled to rank on future assessments or on other assets of the Society for the unpaid balance. The insurance money being thus expressly stipulated to vary with the Society's balance-sheet, the balance-sheet becomes an actual term of the contract, and the assured is entitled as of clear right, not only to a very sharp distinction of funds, also to an audited annual statement of the society's general insurance transactions.

- "Contract" (4) "Contract" means and includes any contract or agreement sealed, written, or oral, the subject matter of which is within the intent of the next preceding sub-section.
- "Written." (5) As applied to any instrument, "written" means and includes an instrument written, or printed, or partly written and partly printed; and "sealed" means an instrument under corporate or other seal.
- "Sealed."
- "Registered Society." (6) "Registered Society" means a Friendly Society register or deemed to be registered under this Act, and "Unregistered Society" includes any society not so registered or deemed to be registered, whether such society was never registered or, having been registered, lost its registry through non-renewal, suspension, or cancellation. (*cf. Imp. Act 38-9 V. c. 60, s. 4.*)
- "Unregistered Society."
- "Rules." (7) "Rules" means and includes rules or regulations, or resolutions or by-laws in force for the time being. (*cf. Imp. Act 38-9 V. c. 60, s. 4.*)
- "Branch." (8) "Branch" means any number of the members of a society under the control of a central body, having, within the intent of sub-section 3, a separate fund administered by themselves, or by a committee of officers appointed by themselves. (*cf. Imp. Act s. 4.*)



(9) "Collector" includes every paid officer, agent or person however remunerated, who by himself or by any deputy or substitute collects premiums, fees, assessments or other moneys for a society. (cf. *Imp. Act s. 4.*) "Collector."

(10) "Officer" extends to any trustee, treasurer, secretary, or member of the committee of management of a society, or person appointed by the society to sue and be sued in its behalf. (cf. *Imp. Act s. 4.*) "Officer."

(11) "Benefit" includes all benefit, bonus and insurance moneys payable by the society under the contract; and "Beneficiary" includes every one entitled to such moneys, and the legal representatives and assigns of every one so entitled. "Benefit."  
"Beneficiary."

(12) "Maximum" means the largest sum which, under the contract, the benefit may reach, but may not in any event exceed. "Maximum."

#### APPLICATION OF ACT.

2. The following shall not be entitled to register under this Act:— Disentitled to register.

(1) Any company within the intent of *The Ontario Insurance Act*, as amended by section 2a. of this Act. Companies within Insurance Act, 1887.

(2) Any society having charge of, or managing or distributing charity, or gratuities only. Or distributing charity only.

(3) Any society hereafter undertaking or offering to undertake any contract of insurance on property real or personal, or any contract of the nature in the next preceding section specified, for a gross sum exceeding \$2,000; or any contract whatsoever of endowment or tontine insurance or annuity upon life; and every society undertaking, or offering to undertake any such contract shall be deemed an Insurance Company within the intent of *The Ontario Insurance Act*, (cf. *Imp. Act, ss. 8 (1), 27.*) Or contracting for more than \$2,000 on life, or for endowment or tontine, or annuity upon life.

*Note by the Inspector.*—\$2,000 is, in Ontario, the general maximum of life insurance among the fraternal orders. The Imperial Act, s. 27, makes £200 or \$1,000 the maximum in a registered Society.

No annuity, or contract of endowment or tontine insurance should be recognized as within the powers of a Friendly Society; for all these forms of insurance, if they are not illusory or fraudulent, imply large accumulated funds which, for safety, should be under Government supervision, and in part deposited with the Government in trust for the annuitants or other future beneficiaries. (cf. *Ont. Ins. Act, s. 40*; *Dom. Act, s. 39.*) Such supervision and deposit of funds would carry the society altogether beyond the intention of this Friendly Societies Act, the policy of which is to give the members information and effectual control of their own affairs, and then to leave to their own determination the society's financial basis and actual condition, the Government taking no responsibility therefor.

(4) Any joint-stock society, or any society which in effect is the property of the officers or collectors thereof, or which belongs to any private proprietary, or which has less than fifty members in good standing on its books, or which is con- Or being proprietary, or trading societies, or having under fifty members.

ducted as a trading or mercantile venture, or for purposes of commercial gain, or the funds of which are held other than as trust funds for the members; and each and every such society shall be deemed a company within the intent of *The Ontario Insurance Act*. (cf. *Ont. Ins. Act*, s. 11.)

*Note*.—This sub-section is based on the evidence taken before the Royal Commission on Friendly Societies, 1872-4, published in 10 vols. The necessity for such a provision in Ontario legislation is sufficiently apparent from fraudulent evasions of the Provincial insurance law, and from abuses of *The Benevolent Societies Act*.

The minimum membership required of an applicant society is here placed at fifty. *Ont. Ins. Act*, s. 11 makes fifty the minimum for a mutual fire insurance company; for assessment life or benefit insurance a numerous membership is still more necessary.

2a. For sub-section 2 of section 3 of the *Ontario Insurance Act*, the following shall be substituted: "This Act shall not apply to any Society within the intent of the Act respecting Friendly Societies."

No deposit required or permitted.

3.—(1) No society within this Act shall be required or permitted to make any deposit whatsoever of cash, or securities with the Provincial Treasurer; nor shall the Registrar, in any initial or renewal Certificate of Registration, or other publication vouch for the financial basis, or actual condition of any society; nor shall the printing of a society's annual statement in the Registrar's Return, operate, or be anywise construed as a warranty of such basis or condition, both of which questions are, apart from disclosed fraudulent or illegal acts, hereby expressly left to the determination of the members of the society themselves.

Registrar's return no warranty of basis or condition.

This section to operate as notice.

(2) On all Certificates of Registration, initial or renewed, issued under the seal of the Registrar, this present section shall be conspicuously printed for the information of all persons interested; nor shall any society, under penalty of becoming disentitled to registry, circulate, publish, or print any statement contrary to the intent of this section. (cf. *Dom. Act*, s. 39 (6)).

*Note*.—In England the *Friendly Societies Act* 1875 has from the language of some of its provisions been popularly construed as meaning that the Government, when it grants registration, thereby gives a State guarantee of solvency. Great care should be taken to avoid such a misapprehension.

Appointment of Registrar.

4. For the purpose of ascertaining, registering, and annually distinguishing such societies as are, within the Statutes of the Province, lawful Friendly Societies, the Lieutenant-Governor in Council may appoint the Inspector of Insurance, or other person, to be Registrar of Friendly Societies.

Societies now in operation.

5.—(1) Every Friendly Society now undertaking or offering to undertake in the Province any contract within the intent of this Act, shall, on or before the thirtieth day of June next after the passing hereof, file with the Registrar of Friendly Societies, in his office at Toronto, a statement signed and verified on oath by the chief officer and the secretary of the Society in the Province.

(2) Such statement shall be made on a printed form hereinafter called an "Application for Registry," to be furnished by the Registrar on request; and the facts required and questions set therein shall comprise such information as will enable the Registrar to form an opinion whether the society is entitled to registry under this Act. Application.

(3) As evidence of the facts alleged in the Application for Registry the secretary of the society shall therewith deposit in the office of the Registrar a printed or written copy, duly certified, of the Society's Instrument of Association or Act of Incorporation, where the incorporation was by special Act of any Legislature other than of Canada or of the Province of Ontario; also of the rules or by-laws governing the society's contracts, also of all printed or written forms used in connection therewith; also a certified copy of the society's last annual balance sheet, if the society has previously been in operation, and shall furnish such further information touching the society's contracts as the Registrar shall require. (cf. *Ont. Ins. Act, s. 18; and Imp. Act s. 11, (1-6); and Dom. Act s. 38.*) Evidence.

(4) If the society is found entitled to registry, the Registrar shall, on or before the first day of September next after the passing of this Act, issue to the society the certificate of registration prescribed in section 9. (cf. *Imp. Act, s. 11 (1-7).*) Issue of certificate.

6.—(1) After the said first day of September, any society not previously undertaking or offering to undertake such contracts in the Province, but desirous of becoming legally qualified so to do, shall file in the office of the Registrar its application for registry, and the evidence prescribed by section 5; and if on the evidence the Registrar finds the society entitled to registry, he shall issue his certificate of registration for a term ending not later than the next ensuing thirtieth day of June, as provided in section 9. Societies not now in operation.

7. No society shall be registered under a name identical with that under which any other existing society is registered, or so nearly resembling such name as to be likely, or under any other name likely, in the opinion of the Registrar, to deceive the members or the public as to its identity; and no registered society shall change its name without the assent of the Lieutenant-Governor in Council. (cf. *Imp. Act, s. 11 (3).*) Similarity of name.

8. If the Registrar is in doubt whether any society is entitled to registry, he shall submit in writing the question with the evidence for the opinion of the Attorney-General, whose determination shall be final and conclusive, unless varied by Order in Council. (*See Imp. Act, s. 11 (8-10).*) Where registrar is in doubt.

9.—(1) To all societies found as aforesaid, entitled to registry, the Registrar shall issue, under his hand and the seal of his office, a certificate of registration, herein called the "Initial Certificate," setting forth that it has been made to appear to him, that the society has been duly incorporated, and that it is entitled to registry as a Friendly Society under this Act, and that the society is accordingly registered for the term stated in the Initial Certificate. (cf. *Ont. Ins. Act, s. 19; also cf. Imp. Act, s. 11 (7).*) Issue of Initial Certificate.

Issue of  
certificates.

(2) Any Initial Certificate shall, unless sooner suspended or cancelled by order of the Lieutenant-Governor in Council, remain valid until the then next ensuing thirtieth day of June inclusive, when if the society has filed the annual return prescribed in section 29, and has otherwise complied with the law, the society shall be entitled to a certificate of renewed registration, herein called a "Renewal Certificate," and so on every succeeding thirtieth day of June thereafter.

Renewal  
certificate.

*Note by the Inspector.*—The system of annual registration is absolutely essential to enforcing returns and general compliance with the law. There is nothing in the insurance contracts of Friendly Societies to privilege them above the contracts of the great insurance corporations all of which,—besides depositing large security with the Government,—have to take out licenses annually. The insurance companies comply with the law; and their licenses are renewed as of course. So it would be with all *bona fide* Friendly Societies. It is to be noted that a suspension or cancellation of Registry would operate only on a Friendly Society's contractual power in matters of insurance; it would nowise interfere with the Society's charitable work (if the Society is also charitable in its objects); nor would it affect the Society's general corporate powers.

Registration  
by fraud or  
mistake, etc.

(3) If it is established to the satisfaction of the Lieutenant-Governor in Council, that any certificate of registry has been obtained by fraud or mistake, or that a Society exists for an illegal purpose, or has, in terms of section 24, made default of payment, or has wilfully, and after notice from the Registrar, violated any of the provisions of this Act, or has ceased to exist, the registry of the society may, by Order in Council, be suspended or cancelled, and such Order in Council shall be final and conclusive. (cf. *Imp. Act, s. 12 (1).*)

Notices of  
Registration.

10. The Registrar shall cause to be published in the *Ontario Gazette*, in February and July of each year, respectively, a list of such societies as have made the annual statements required by section 29, and a list of the societies which stand registered under section 9; also, if, in the interval between two such lists of registered societies, a new society is registered, or the registry of any society is suspended or cancelled, or if a suspended registry is revived, he shall cause to be published the like notice thereof. (cf. *Ont. Ins. Act, s. 62.*)

Prohibition of  
unregistered  
Societies.

11. After the first day of September next after the passing of this Act, it shall not be lawful for any unregistered society to undertake or effect, or offer to undertake or effect, any contract within the intent hereof. (cf. *Ont. Ins. Act, s. 55.*)

Suspension or  
cancellation of  
registration.

12. A society whose registry has been suspended or cancelled, shall from the date of such suspension or cancelling (but, if suspended, shall only whilst such suspension last), be deemed to be unregistered, and shall withdraw every offer to undertake contracts, and shall absolutely cease to undertake contracts, but without prejudice to any liability actually incurred by such society, which may be enforced against the same, as if such suspension or cancellation had not taken place. (cf. *Imp. Act, s. 12, (5); Ont. Ins. Act, ss. 61, 142.*)

13. Any officer, collector, agent, employee, or other person who, in contravention of this Act, undertakes, or effects, or agrees or offers to undertake or effect, any contract in behalf of any unregistered society, shall be liable to a penalty of \$200 for each contravention of this Act, to be recovered and applied as provided by section 56 of the Ontario Insurance Act, which section shall equally apply to societies unregistered, or deemed to be unregistered, under this Act. (cf. *Ont. Ins. Act*, s. 56.) Penalty for contravention of Act.

14. It shall be the duty of the officers of every registered society to have at least once in every year a *bona fide* and business-like audit made of its books of record and account, by two auditors, who shall not be officers of the Society; and to furnish to each member annually a summary statement, showing as the result of such audit, or audits, the society's actual assets, liabilities, receipts and expenditures; and a copy of such summary statement, signed and certified by the auditors, shall, with the annual return required by section 29, be filed in the office of the Registrar on or before the first day of February in each year. (cf. *Imp. Act*, s. 14 (sub-sec 1, c, d, h); s. 30 (3).) Annual audit.

15.—(1) If it is established to the satisfaction of the Registrar that the accounts of any registered society have been materially and wilfully falsified, or that for eighteen consecutive months there has been no *bona fide* audit of the books and accounts; or if there is filed in the office of the Registrar a requisition for audit bearing the signatures, addresses, and occupations of at least twenty-five persons being members of the society, or claimants, or persons entitled to claim, or having insurable interest under contracts of the society, and such requisition alleges in a sufficiently particular manner to the satisfaction of the Registrar, specific fraudulent or illegal acts, or repudiation of contracts, the Provincial Treasurer may, on the report of the Registrar, nominate a competent accountant, who, as in the special audit of insurance companies, shall, under the directions of the Registrar, make a special audit of the society's books and accounts aforesaid and report thereupon to the Registrar, in writing, verified, upon oath. (cf. *Ont. Ins. Act*, ss. 100, 146; *Imp. Act*, s. 14 (1), c. 35.) Fraud, illegal acts, or default of audit.

(2) For purposes of this Act a special auditor shall be sufficiently accredited, if he deliver to the Secretary or to any managing officer of the society, a written statement under the hand and seal of the Registrar, to the effect that the Treasurer has nominated such auditor to audit such books and accounts of the society as aforesaid. (cf. *Ont. Ins. Act*, s. 146.) Credentials of special auditor.

(3) As in the case of a company specially audited under the insurance law, the expense of such special audit shall be borne by the society, and the auditor's account therefor, when approved in writing by the Provincial Treasurer, shall be conclusive and shall be payable by the society forthwith. (cf. *Ont. Ins. Act*, s. 146; *Imp. Act*, s. 35.) Expense of special audit.

(4) The books used by any collector for recording moneys received for the society shall be the property of the society, nor shall any collector or officer, or employee of the society, have in these or in any other of the books of account or record

any ownership or proprietary right, or right of lien, whatsoever; and all such books, as well as the vouchers or documents relating to the contracts of the society, shall be deemed to be included in the audit, prescribed by this section. (cf. *Imp. Act s. 16, sub-sec. 9, in which "property" includes, as provided in sec. 4, "books and papers;" also, s. 32.*)

Untrue entries, etc.

(5) Every director, officer, manager, agent, collector, or employee of the society, who knowingly makes or publishes, or assists to make or publish, any wilfully false statement of the society's financial affairs, or who makes or assists to make any untrue entry in any book of record or account, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected or audited, either for the general purposes of the society or for the purposes of this Act, and extracts to be taken therefrom, shall be guilty of an offence, and being convicted thereof shall be imprisoned in the Central Prison, or in any gaol of the Province with or without hard labour for a period not exceeding three months. (cf. *R. S. C. c. 119 s. 44: Imp. Act s. 32 (1); Ont. Ins. Act, s. 141.*)

*Note by the Inspector.*—This subsection merely extends the general law regarding mercantile companies to what may be called the mercantile branch of Friendly Societies.

Report of special auditor.

**16.**—(1) If the report made by the special auditor appears to the Registrar to disclose fraudulent or illegal acts on the part of the society, or a repudiation of its contracts, the Registrar shall notify the society accordingly, and furnish the society with a copy of the special auditor's report, allowing two weeks for a statement to be filed by the society in reply.

Action on said report.

(2) On the expiration of two weeks, as aforesaid, the Registrar shall lay before the Provincial Treasurer the special auditor's report and the society's statement in reply, if any, together with the written recommendation of the Registrar in the premises, and thereupon the Lieutenant-Governor in Council may continue, or suspend, or cancel the registry of the society, and such action of the Lieutenant-Governor in Council shall be final and conclusive. (cf. *Ont. Ins. Act, s. 142.*)

Rules deliverable on demand.

**17.**—A copy of such of the rules or by-laws of a registered society as relate to its contracts shall be delivered by the society to every person on demand, on tender of fifteen cents. (*Imp. Act s. 13 (5).*)

Instrument of contract must show complete terms.

**18.**—(1) Where any contract within the intent of this Act is evidenced by a sealed or a written instrument, all the terms and conditions of the contract shall be set forth, either within the body of the instrument or by endorsement thereon; and no term or condition other than those so set forth shall be admitted in evidence to the prejudice of the beneficiary, or of his legal representatives, or assigns. (cf. *Imp. Act s. 30 (1); Dom. Act ss. 27, 28, 37; and Ont. Ins. Act, s. 114.*)

*Note by the Inspector.*—This most essential provision follows the precedent of Ontario legislation in the matter of Fire Insurance Policies. (*Ont. Ins. Act, ss. 114 et seq. The Dom. Act (ss. 27, 28-37) applies to*

*Friendly Societies' contracts.*) Sec. 30 (sub-section 1,) of the Imperial F. S. Act, is extended to cover the same ground as the present section ; but the expedient there adopted of requiring the society to deliver, with a printed policy, a copy of the *general rules* of the society, is a most feeble effort to deal with an important question. Where a society is acting *mala fide* and repudiates, it almost invariably sets up some rule of the society, or some subsidiary or undisclosed term of the contract as a defence.

(2) The liabilities of any member of a society under his contract shall at any date be limited to the assessments of which at that date notice has been actually given by the society. Limitation of member's liability.

*Note by the Inspector.*—At present, by common understanding, or by express rule, a member's neglect or refusal within a certain time to pay his assessment or contribution, terminates *ipso facto* his rights and his liabilities ; so that this sub-section can nowise prejudice societies in the right they now exercise. But some recent decisions show the necessity for declaring the law in this matter. In the case of *Angus McDonald, receiver of the Mutual Benefit Associates of Rochester, vs. William H. Ross-Lewin*, the Supreme Court of New York in 1883, decided that the neglect of the defendant to pay an assessment for thirty days after notice thereof, had *ipso facto* under the rules of the society, determined his membership ; but that he was, nevertheless, liable for certain assessments previously made, and also for all losses happening prior to the time when he ceased to be a member, though no assessment therefor had then been made. (*N. Y. Supreme Court Reports, 29 Hun., 87 ; cf. also Decision by Supreme Court, U. S., in Korn v. Mutual Ass. Soc., 6 Cranch. 192.*)

(3) By paying or tendering payment of said assessments and giving notice thereupon of his withdrawal by a writing delivered or by registered letter to the society, any member shall become thereby released from all further liability under his contract. Release from liability.

19. The rules or by-laws of an unregistered society, not set forth in the instrument of contract, or endorsed thereon, shall not be valid in favor of the society unless the same are held by the Court or Judge before whom a question relating thereto is tried, to be, under the circumstances, just and reasonable, the same to be subject to review or appeal as in other cases. (*cf. Ont. Ins. Act, ss. 2, 6, 9.*) Rules of un-registered society.

*Note by the Inspector.*—The Bill makes registration the first test of a society's good faith. So that, if a society refuses to register, the presumption at once arises that the society is acting in bad faith with its members. For purposes of insurance contracts, the society becomes an unlawful one, and is incapacitated for future contracts. But, probably, there are matured claims against present funds ; and such claims should be protected. A society acting in bad faith is likely to resist the discharge of present claims out of present funds on the pretence that the assured committed breaches of certain by-laws which by the certificate are made terms of the contract ; and it would be against public policy to permit such a misuse of by-laws.

20.—(1) No forfeiture shall be incurred by any member, or person insured, by reason of any default in paying any contribution or assessment, until after a written or printed notice Notice before forfeiture of benefit.

has been delivered or sent by registered post prepaid to him, or left at his last known place of abode, by or on behalf of the society, stating the amount due by him, and apprising him that in case of default of payment by him within a reasonable time, not being less than thirty days, and at a place, to be specified in such notice, his interest or benefit will be forfeited, and after default has been made by him in paying his contribution or assessment in accordance with such notice. (*Imp. Act. s. 30 (2).*)

Conditions of forfeiture to be just and reasonable.

(2) When the benefit of the contract is stipulated to be reduced or forfeited for any other reason than for non-payment of premium-moneys, or money in the nature thereof, no such additional condition reducing or forfeiting the benefit shall be valid, unless it is held by the court or judge before whom a question relating to the contract is tried, to be just and reasonable under all the circumstances of the case, subject to review or appeal. (*cf. Ont. Ins. Act, s. 117.*)

Maximum named in contract shall *prima facie* be payable.

21.—(1) Where the event has happened on the occurrence of which any benefit money is payable under the contract, but the amount payable is matter of dispute, the amount payable by the Friendly Society to the beneficiary shall *prima facie* be the maximum amount stated or indicated in the contract, and it shall lie on the society to prove the contrary.

*Note by the Inspector.*—As above explained, the contract is usually for a contingent sum not exceeding        dollars ; the ordinary contingency being whether or not the proceeds of a particular assessment will suffice to pay the maximum. The Society controls the evidence as to the funds, and alleges insufficiency of funds ; therefore, in all fairness, the Society should prove the insufficiency. This question has received most drastic treatment in the United States. Some of the Legislatures have, in effect, enacted that when the claim accrues, the amount payable shall be the maximum, as if it were an absolute debt due by the Society. But this amounts to prohibiting altogether the peculiar contract by which a Friendly Society is distinguished from an Insurance Company. As long as such contracts are lawful, the utmost that can probably be done is, first, make the contract intelligible both to the assured, and the beneficiary ; next, when the benefit accrues, enable the beneficiary to ascertain the amount due ; and, lastly, enable him to enforce payment of that amount.

(2) Where any Life, Accident, or Casualty Insurance Company makes any contract of insurance whereby the amount to become payable by the company is stipulated to depend upon the proceeds of fees, dues, subscriptions, contributions, assessments, or the like, or upon the state of any fund or funds, such stipulation shall be void, and the amount payable by the company shall, notwithstanding any such stipulation, be the maximum named or indicated in the contract.

*Note by the Inspector.*—An Insurance Company's contract is, or ought to be for a certain sum payable on the occurrence of an uncertain event ; a Friendly Society's contract is for an uncertain sum payable on the like occurrence. It would hopelessly confuse the question if, under color of its license for insurance business, an Insurance Company were allowed to make its contracts as a Friendly Society.



**22.** Every claim under a contract of the nature in the first section specified accruing to a member of the Society, or to his legal representatives or assigns, shall become legally payable on the expiration of sixty days after reasonably sufficient proof has been furnished to the Society of the happening of the event on which such claim was, by said contract, to accrue, and any rules or by-laws of the Society to the contrary shall be void; but the Society may, in its discretion, pay the claim at any time before the expiration of the sixty days. (cf. *Ont. Ins. Act, ss. 46, 114 (17).*)

Claims when payable.

**23.** Any written notice to a registered or unregistered society for any purpose of this Act, where the mode thereof is not expressly provided, may be by letter delivered at the chief office of the Society in Ontario, or by registered post letter addressed to the Society, its manager, or agent at such chief office, or by such written notice given in any other manner to an authorized agent of the company. (cf. *Ont. Ins. Act, s. 114, Stat. Cond. No. 23.*)

Service of papers.

**24.** Any Friendly Society shall be liable to have its registry suspended upon the failure of the Society to pay an undisputed claim, arising under a contract within the first section, for the space of sixty days after being legally payable, or if disputed, after final judgment and tender of a legal valid discharge, and (in either case) after notice of the Society's default to the Provincial Treasurer, and to the Registrar of Friendly Societies. (cf. *Ins. Act, s. 48; R. S. C. c. 129, s. 6.*)

Registry suspended for insolvency.

**25.** The Registrar, or any person authorized, under his hand and seal, shall have at any time within reasonable business hours of every day, except Sundays and holidays, access to all such books, securities, and documents of the Society, as relate to the Society's contracts; and any officer or person in charge, or possession, or custody, of such books, securities or papers, refusing or neglecting to afford such access, shall be guilty of an offence as in Section 15 provided; and the Society shall be liable to have its registry suspended. (cf. *Ont. Ins. Act, ss. 140, 141.*)

Registrars to have access to Society's books, etc.

**26.—(1)** If, when a claim accrues under a contract, the Society offers the claimant a less sum than the maximum named in the contract, and either offers no explanation, or alleges as a reason for not paying the maximum, that the Society's general contract fund, or some other fund is insufficient, the claimant shall, on written notice to the Society, be entitled as of right, to inspect, personally, or by agent, all books and documents relating to the contract funds generally, or the fund alleged to be insufficient.

Where maximum not paid, claimant entitled to inspect Society's books.

**(2)** If the Society refuses or neglects to afford the claimant a reasonable opportunity of inspection as in the last subsection provided, the claimant may file with the Registrar, an affidavit to the effect that he rightfully claims under a certain contract of the Society, giving particulars sufficient to identify the contract, and that the Society has refused or neglected to afford him opportunity of inspection as aforesaid, thereupon the Registrar may, under his hand and seal, give the claimant an order to inspect on a day named; and neglect or refusal to

Claimant may have order for Registrar to inspect.

afford him an opportunity of inspection, shall be an offence, as provided in Sections 15 and 25. (cf. *Imp. Act s. 14 (1) g. R. S. C. c. 119, s. 44; R. S. C. c. 129, s. 54, which by s. 3 is made to apply to Insurance Companies; also s. 11.*)

*Note by Inspector.*—The corresponding provision in the Imperial Act is a sweeping one, and appears to exceed reasonable requirements; it is as follows:—“Every registered Society shall allow any member or person having an interest in the Funds of the Society to inspect the books at all reasonable hours at the registered office of the Society, or at any place where the same are kept, except that no such member or person, unless he be an officer of the Society, or be specially authorized by a resolution of the Society to do so, shall have the right to inspect the loan account of any other member without the written consent of such member.” (*Imp. Act s. 14 (1) g.*)

Wives and  
Childrens Act  
to apply.

**27.** The Act to secure to Wives and Children the benefit of Life Insurance shall apply to all contracts falling within section 1, made by Friendly Societies registered under this Act.

*Note by Inspector.*—This section has been rendered necessary by the decision of Proudfoot, J., in *Re O'Heron*, 11 P.R., 422.

Payment on  
death of  
children.

**28.** With respect to payments on the death of children under ten years of age, the following provisions shall have effect:—

Limitation of  
payments.

(1) No society shall insure or pay on the death of a child under five years of age any sum of money which, added to any amount payable on the death of such child by any other society exceeds thirty dollars, or on the death of a child under ten years of age any sum of money which, added to any amount payable on the death of such child by any other society, exceeds fifty dollars.

Who may  
receive pay-  
ments.

(2) No society shall pay any sum on the death of a child under ten years of age except to the parents of such child, or to the personal representative of such parent, and upon the production by such parent or his personal representative of a certificate of death issued by the registrar of deaths, or other person having the care of the register of deaths, containing the particulars after mentioned.

Particulars of  
certificates.

(3) Whenever a certificate of the death of a child is applied for, for the purpose of obtaining a sum of money from a society, the name of such society and the sum sought to be obtained therefrom shall be stated to the registrar of deaths, who shall write on or at the foot of such certificate, the words, “to be produced to the society” (naming the same) “said to be liable for the payment of the sum of \$ ” (stating the same) and all certificates of the same death shall be numbered in consecutive order, and the sum charged by the registrar of deaths for each such certificate shall not exceed twenty-five cents.

Registrars of  
deaths only to  
give certifi-  
cates in certain  
cases.

(4) No registrar of deaths shall give any one or more certificates of death for the payment in the whole of any sum of money exceeding the thirty dollars on the death of a child under five years, or for the payment in the whole of a sum exceeding fifty dollars on the death of a child under ten years; and no such certificate shall be granted unless the cause of

death has been previously entered in the register of deaths on the certificate of a coroner or of a registered medical practitioner, who attends such deceased child during its last illness, or except upon the production of a certificate of the probable cause of death under the hand of a registered medical practitioner, or of other satisfactory evidence of the same.

(5) Any society to which is produced a certificate of the death of a child which does not purport to be the first certificate shall, before paying any money thereon, be bound to inquire whether any and what sums of money have been paid on the same death by any other society. Inquiry to be made by societies.

(6) It shall be an offence under this Act—

(a) If any society pays money on the death of a child under ten years of age otherwise than is provided by this Act; Offences under this section.

(b) If any parent or personal representative of a parent claiming money on the death of a child produces any certificate of such death other than is herein provided to the society or societies from which the money is claimed, or produces a false certificate, or one fraudulently obtained, or in any way attempts to defeat the provisions of this Act with respect to payments upon the death of children.

(7) Provided that nothing in this section contained shall apply to insurance on the lives of children of any age, where the person insuring has an interest in the life of the person insured, or to existing contracts. *Imp. Act. s. 28 (omitting sub-sections 7, 8.)* Insurable interests.

*Note by the Inspector.*—From the evidence taken in 1872-4 by the Royal Commission on Friendly Societies (4th report of Commission pp. 574-5) it appears that the mortality among children under ten years of age had increased to an alarming extent under the temptation held out by infant insurance to drunken and dissolute parents. The whole section above is taken from the Imperial Act, which was based on the Commissioners' reports. Attempts are being made in Ontario to introduce infant insurance of precisely the character denounced by the English Commissioners; and on the principle that legislation should be preventive rather than remedial, I recommend the enactment of these provisions.

29. It shall be the duty of the presiding officer, the secretary and the treasurer, of every registered society to prepare annually on the first day of January, or within one month thereafter, according to a printed form to be supplied on application to the Registrar, a statement of the financial condition and affairs of the society for the purposes of this Act, and having signed and verified under oath, to file the said statement in the office of the Registrar on or before the first day of February then next ensuing: and any society refusing or neglecting to file its statement or to make prompt and explicit answer to any inquiries at any time put by the Registrar touching the society's contracts, shall be liable to suspension or cancellation of registry. (*Imp. Act, s. 14. sub-sec. 1 d; sub-secs. 3, 4, 5: cf. Ont. Ins. Act, ss. 103, 104.*) Annual statement to the Registrar. Refusal of information.

Registrar's  
annual  
return.

**30.** From the annual statements filed in his office, as aforesaid, the Registrar shall prepare and cause to be printed and distributed, a Return, which may be known as the Friendly Societies' Statements, for the year ending 31st December. — (*naming the year*) and on the title-page of each such return shall be conspicuously printed section 3 of this Act, and such returns shall include a list of registered societies brought up to its actual date of publication. (*cf. Ont. Ins. Act, s. 105.*)

Copies of  
documents in  
Registrar's  
Office.

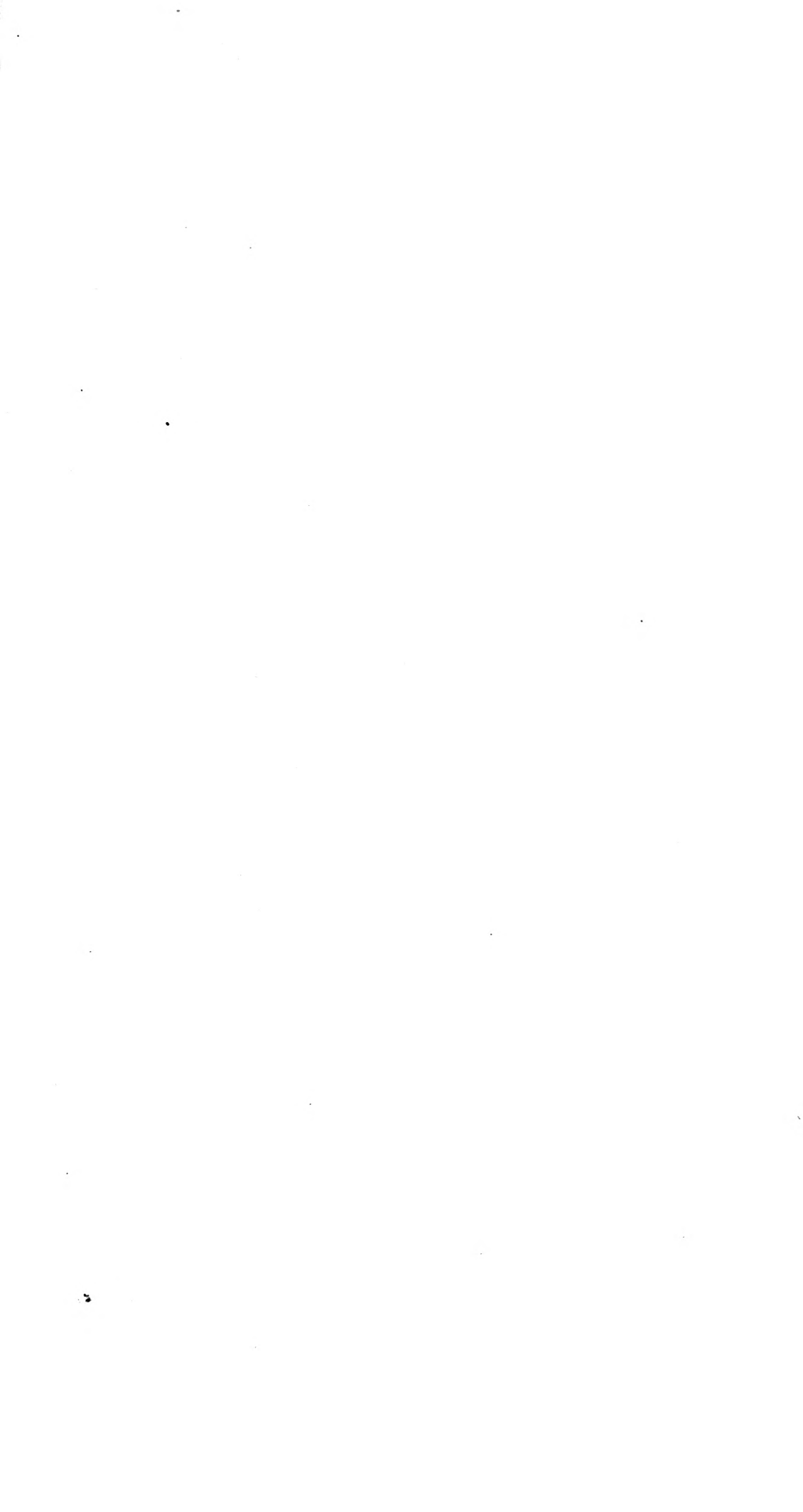
**31.** Every instrument or document, copy or extract of an instrument or document, bearing the seal or stamp of the Registrar's office, shall be received in evidence without further proof; and every document purporting to be signed by the Registrar or Assistant Registrar, or auditor under this Act, shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature. (*Imp. Act, s. 39; cf. Ont. Ins. Act, s. 149.*)

Fees.

**32.** Towards defraying the expenses of the office of the Registrar the following fees shall be payable by any society to the Treasurer before the delivery of the several instruments herein named:

For Initial Certificate of Registration .....	\$5
For Renewal Certificate of Registration.....	2
For Renewal Certificate after Suspension of Registry	5

(*cf. Ont. Ins. Act, s. 63.*)



2nd Session, 6th Legislature, 51 Vic., 1888.

BILL.

An Act respecting Friendly Societies.

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First Reading, 1888.

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